

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DERRIYON DARRELL
McCREARY, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 21, 2006

Petitioner-Appellee,

v

DESHANA MARIE WHITE,

Respondent-Appellant,

and

DARRELL McCREARY,

Respondent.

No. 268925
Wayne Circuit Court
Family Division
LC No. 96-348199-NA

Before: White, P.J. and Zahra and Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals of right the trial court's order terminating her parental rights under MCL 712A.19b(3)(a)(ii), (g), (i), (j), (k)(i), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Petitioner filed a petition for permanent custody after Derriyon was born premature and testing positive for cocaine and opiates. Respondent-appellant reported that she did not receive prenatal care, used cocaine four days before the child's birth, was homeless and had no income. Respondent-appellant admitted that her parental rights to a daughter were previously terminated, and the record establishes that respondent-appellant was provided with a treatment plan in that case, which she did not successfully complete. Respondent-appellant appeared to be under the influence of drugs when she visited Derriyon at the hospital, and her visits were suspended days later. Respondent-appellant contacted the foster care worker only once regarding Derriyon and did not appear for trial, which was held more than 91 days after visitation was suspended.

Based on the above facts, we find that the trial court did not clearly err in holding that petitioner established MCL 712A.19b(3)(a)(ii), (g), (i), (j), (k)(i), and (l) by clear and convincing

evidence. MCR 3.977(J). Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. *In re Trejo*, 462 Mich 341, 344; 612 NW2d 407 (2000). The trial court did not clearly err in its best interests determination where respondent-appellant had no bond with her son, only contacted the foster care worker once to find out how he was doing, and had a long-term drug abuse problem.

Affirmed.

/s/ Helene N. White

/s/ Brian K. Zahra

/s/ Kirsten Frank Kelly