

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ZANDER KEITH LALONDE,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KATHLEEN LALONDE,

Respondent-Appellant.

UNPUBLISHED

December 12, 2006

No. 271890

St. Clair Circuit Court

Family Division

LC No. 05-000495-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were each established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). Respondent left the child with the child's father because she was homeless and had no ability to care for the child's basic needs. After learning that the child had been transferred to his maternal grandparents, however, respondent never saw the child and did not provide any support for him during the period that this case was pending. Therefore, the trial court's finding of abandonment was supported by clear and convincing evidence. Respondent's homelessness and her absolute failure to comply with the extensive treatment plan support the trial court's findings under the remaining factors. See *In re Miller*, 182 Mich App 70, 83; 451 NW2d 576 (1990); see also *In re Trejo*, 462 Mich 341, 362-363; 612 NW2d 407 (2000).

Once the court determines that a statutory ground for termination has been established, the court must terminate the respondent's parental rights unless the trial court concludes that termination "is clearly not in the child's best interests." MCL 712A.19b(5); see also *In re Trejo*, *supra* at 353. In this case, the record evidence established that termination was in the child's best interests, so the trial court did not clearly err in this regard.

Within respondent's arguments concerning the statutory grounds and best interests, she asserts that the trial court "never had an opportunity to hear mother's version," because she was

not present, and because she did not have an “opportunity to confront her accusers” because the court discharged her attorney at the beginning of the proceeding. To the extent that respondent is claiming that her absence from the proceeding or her counsel’s decision to withdraw after respondent refused to consult with her should provide her with an independent basis for reversal, these issues are not properly before this Court because they are not included in the statement of the questions presented. MCR 7.212(C)(5); *Preston v Dep’t of Treasury*, 190 Mich App 491, 498; 476 NW2d 455 (1991). Moreover, respondent’s absence did not preclude the trial court from proceeding with the termination hearing, MCR 3.973(D)(3), and the record indicates that respondent had ample “opportunity” to participate fully in the proceedings, but merely chose to refrain from participating. Therefore, respondent was not deprived of any “opportunity” to present her position, but she voluntarily relinquished her right to appear and receive representation by counsel. *In re Hall*, 188 Mich App 217, 222; 469 NW2d 56 (1991).

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O’Connell
/s/ Alton T. Davis