

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of OLIVIA DRAPER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER ZELMER,

Respondent-Appellant,

and

CHARLES DRAPER,

Respondent.

UNPUBLISHED

December 23, 2008

No. 286131

Berrien Circuit Court

Family Division

LC No. 07-000100-NA

Before: Murray, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Respondent Jennifer Zelmer appeals by right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). Respondent had a serious drug abuse problem that led to an older child's becoming a court ward in 2004. Respondent continued to use drugs, and the child in this case tested positive for cocaine at birth. Respondent made little effort to comply with the service plan until December 2007, but she then abandoned all efforts to comply with services by mid-March 2008.

Petitioner was not required to prove that respondent would neglect her child for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). *Fritts* predates the enactment of § 19b(3), which now sets forth the criteria for termination.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000);

MCL 712A.19b(5). Because she only attended visits sporadically, respondent never developed a lasting bond with the child. In fact, it was apparent at the last visit in January 2008 that the child no longer recognized respondent. Therefore, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo, supra* at 356-357.

We affirm.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Kurtis T. Wilder