

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 10, 2011

In the Matter of A. M. SPRAY, Minor.

No. 298704
Wayne Circuit Court
Family Division
LC No. 09-490780

Before: TALBOT, P.J., and SAWYER and M. J. KELLY, JJ.

PER CURIAM.

K. Dobbs appeals as of right from the termination of her parental rights to her daughter, A. M. Spray.¹ We affirm. This appeal has been decided without oral argument.²

The Department of Human Services (“DHS”) filed an original petition seeking termination of Dobbs’ parental rights to her 14-year-old daughter. The petition was initiated following allegations that Dobbs’ ex-husband E. Spray, the child’s biological father and custodial parent, had physically and sexually assaulted the minor child and that Dobbs had failed to protect her. Although the petition originally also included Dobbs’ three younger children, these children were removed from the petition after DHS determined that the children were safe in the custody of C. Dobbs.³ E. Spray pleaded guilty to criminal sexual conduct involving the minor child and released his parental rights.

Evidence at the adjudicatory hearing demonstrated that Dobbs did not have or maintain any regular contact with the minor child in the two years preceding the filing of the petition. Dobbs did not provide any financial support for the child and had not sent her any letters, cards or gifts. Dobbs contends that her mother and E. Spray informed her that she did not have any legal rights to the child and that E. Spray had the child in his custody and precluded Dobbs from

¹ MCL 712A.19b(3)(a)(ii) [abandonment], (g) [failure to provide proper care or custody], and (j) [likelihood child will be harmed if returned to home].

² MCR 7.214(E).

³ C. Dobbs is the former husband of Dobbs and is the biological father of two of the children and has been appointed the legal guardian of the third child, who is the daughter of Dobbs and E. Spray.

having any parenting time or contact. Dobbs acknowledged that she never tried to procure any legal assistance to locate the child or to obtain custody or parenting time. Dobbs did not maintain stable employment or housing for any significant length of time. Dobbs also did not maintain regular contact or provide any financial support for her other three children. Dobbs did not visit her three younger children since their placement with C. Dobbs in December 2008, even though C. Dobbs did nothing to prevent or discourage her from having contact with them. Based on the foregoing evidence and history, the trial court properly found sufficient statutory grounds for termination of Dobbs' parental rights.⁴

Although Dobbs challenges the trial courts findings regarding her history of alcohol and substance abuse, this was not a significant factor cited by the referee in deciding to terminate her parental rights. We also note, without deciding, that even if such findings were not supported by the record that the trial court properly terminated Dobbs' parental rights based solely on her lack of contact and support of the minor child, as DHS was required to "only establish one ground for termination under [MCL 712A.]19b(3)(g)."⁵

To assist in the best interests determination, Dobbs was ordered by the court to participate in a Clinic for Child Study evaluation. Dobbs failed to appear for two scheduled appointments. The minor child adamantly indicated that she wanted Dobbs' parental rights terminated and that she understood the permanence of such an action. The psychologist who interviewed the minor child concluded that, "[g]iven [her] age, and the tremendous trauma she has already endured, it would be contraindicated to insist this youth reside with or even visit with her mother against her wishes." It was also demonstrated that since the adjudicatory hearing, Dobbs had lost both her housing and employment.

We find that the trial court did not clearly err in terminating Dobbs' parental rights based on the prolonged history of her failure to maintain contact or provide support for the minor child.⁶ This evidence, in combination with the unequivocal preference of the minor child and opinion of the psychological evaluator, demonstrated that termination of Dobbs' parental rights was clearly in the child's best interests.⁷

Affirmed.

/s/ Michael J. Talbot
/s/ David H. Sawyer
/s/ Michael J. Kelly

⁴ MCL 712A.19b(3)(a)(ii), (g), and (j).

⁵ *In re Trejo*, 462 Mich 341, 360; 612 NW2d 407 (2000).

⁶ MCR 3.977(H)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

⁷ MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357.