

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of M. N. N., Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROCHELLE LA'NAE BURKS,

Respondent-Appellant.

---

UNPUBLISHED

December 29, 2009

No. 293516

Oakland Circuit Court

Family Division

LC No. 2008-752488-NA

Before: K. F. Kelly, P.J., and Hoekstra and Whitbeck, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

Clear and convincing evidence existed to support the trial court's decision to terminate respondent's parental rights. MCL 712A.19b(3); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The minor child was removed from respondent's care after respondent left him with Linda McDonald, a nonrelative. Not only was McDonald without legal authority to have the minor child treated in the event of an emergency, but her home was found to be unsuitable. When the protective services worker contacted respondent to advise her that the minor child was going to be taken into protective custody unless she provided a plan for him, respondent offered no solution and made no effort to retrieve the minor child.

Because she admitted to marijuana use, respondent could not visit with the minor child until she provided at least one negative drug screen. Respondent did not provide any screens until five months after the minor child came into foster care. Respondent was also advised that she had to attend a psychological examination, but she did not do so until after the termination petition had already been filed. Respondent blamed the workers for the fact that she did not comply with the PAA (Parent Agency Agreement). Much of the testimony at trial revolved around whether respondent had ever received a hard copy of the PAA, but respondent admitted that she spoke with case manager Velma Coleman in January 2009 and that Coleman advised her of what she needed to do in order to regain custody. Nevertheless, respondent did absolutely nothing for nearly three months, and attended none of the hearings from October 22, 2008, until March 13, 2009. Even in the face of respondent's total apathy, the referee continuously gave respondent the benefit of the doubt, adjourning the best interests hearing in order to allow a

psychological reevaluation and to allow respondent to visit with the minor child. Respondent failed to attend the evaluation and then advised Coleman that she would be “out of town” until July 5, 2009. At the time of the termination hearing, respondent was still unemployed and, although she indicated that she had suitable housing, she never allowed Coleman to inspect the home. There was simply no reason to believe that respondent could provide the minor child with proper care or custody within a reasonable amount of time.

The trial court also did not err in finding that termination of respondent’s parental rights was in the minor child’s best interests. MCL 712A.19b(5). There was no evidence that respondent and the minor child shared any sort of a bond, and the evidence established that respondent could not meet his basic needs. The minor child was entitled to permanence and stability.

Affirmed.

/s/ Kirsten Frank Kelly  
/s/ Joel P. Hoekstra  
/s/ William C. Whitbeck