

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SELENA GRIFFITH, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TANYA FISHER,

Respondent-Appellant.

UNPUBLISHED

April 21, 2005

No. 257640

Benzie Circuit Court

Family Division

LC No. 03-001091

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

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

The petition that initiated this case alleged neglect and abandonment of Selena, who respondent left with the child's maternal grandmother when the child was twenty-two months old and had rarely seen in the following four and a half years. Unfortunately, the grandmother was living in deplorable conditions, in a home filled with garbage and which had leaking plumbing and bad floors. Though services were provided to the family to improve the condition of the home, no progress was made. While further investigating the condition of the home, protective services discovered that the child was being severely neglected. The child was dirty, wearing dirty clothing, and appeared to be developmentally delayed. Further investigation demonstrated that the child was suffering from poor diet, the severe effects of poor dental care, and head lice, and was socially and academically delayed. The child was later determined to have the symptoms of fetal alcohol syndrome, attention deficit disorder, attachment reactive disorder, and traumatic stress disorder. After being placed in foster care for several months, however, Selena made great progress physically, socially, and academically. During the time that the child was left with the grandmother and later placed in foster care, respondent made no effort to visit the child or to regain custody of her. Though respondent was incarcerated during some of this time, even when released from incarceration respondent did not attempt to rejoin or care for the child.

Respondent first contends that the allegations in the petition were insufficient for the trial court to assume jurisdiction over the child. Respondent did not challenge the trial court's

jurisdictional decision below and is precluded from challenging the decision on appeal. *In re Gazella*, 264 Mich App 668, 679-680; ___ NW2d ___ (2005). Moreover, the trial court did not err in assuming jurisdiction under MCL 712A.2(b).

Respondent also contends that the trial court erred in terminating her parental rights. However, ample evidence established the statutory grounds. At the time of termination, respondent was again incarcerated, apparently had no home, and had little income. More telling, respondent had had virtually no contact with the child in years and had made no effort to contact the agency to ascertain the child's status or whereabouts. Respondent did not appear to recognize that the care of the child had been her responsibility and blamed others for not allowing her to parent the child. Furthermore, viewing the same evidence, the trial court did not clearly err in determining that termination was not contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder