

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LAILA SOW, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANDRIA MICHELLE MERRIWEATHER,

Respondent-Appellant.

UNPUBLISHED

April 29, 2008

No. 281599

Oakland Circuit Court

Family Division

LC No. 06-721198-NA

Before: Bandstra, P.J., and Fitzgerald and Markey, JJ.

PER CURIAM.

Respondent appeals by right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

On appeal, respondent argues that termination of her parental rights was not in the best interests of Laila. We disagree.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *Trejo, supra* at 355-357.

The trial court did not clearly err in its best interests determination. No party presented evidence that it was not in Laila's best interests to terminate respondent's parental rights. To the contrary, the evidence established there was no bond between Laila and respondent because respondent had not visited or seen Laila during the time she was in foster care. Laila was very bonded to her father and was thriving even though respondent was not involved in her life. In delaying her compliance with the treatment plan until the permanent custody petition was filed, respondent clearly demonstrated that Laila was not her priority. Respondent's failure to submit drug screens to ensure she had visitation time with Laila revealed that she was shortsighted and did not value this opportunity for bonding with Laila.

Respondent argues that it was never proven that she abused illegal drugs and that the court-ordered drug screens became a barrier to her visitation with Laila. Respondent never objected to the trial court's order regarding drug screens at the time of trial. This issue was therefore not preserved for appellate review. *Polkton Twp v Pellegroni*, 265 Mich App 88, 95; 693 NW2d 170 (2005). This Court need not address an issue on appeal if the question is not preserved for review by a timely objection. *Id.* Moreover, it was not the court's order that ruined the bond between respondent and Laila, as respondent contends. Respondent's bond with Laila was compromised by her failure to submit drug screens and demonstrate that she could safely parent Laila. Had respondent complied with the court's order regarding drug screens, she would have been permitted to visit Laila and bond with her.

Respondent also argues she was compliant with the treatment plan. However, respondent put forth no efforts toward her treatment plan for an entire year. Furthermore, even if respondent had complied with the treatment plan, her compliance does not support a finding that termination of her parental rights was not contrary to Laila's best interests. The best interest provision of MCL 712A.19b(5) provides an opportunity to avoid termination despite the establishment of one or more statutory grounds for termination. Even though respondent was given this additional opportunity, she was unable to demonstrate that termination was clearly not in Laila's best interest.

Finally, respondent argues the court had other options because it could have granted custody to Laila's father instead of severing her parental rights. However, granting the father full custody in an order that could be modified at a later time would not have afforded Laila the same protection as terminating respondent's parental rights. Once petitioner presented clear and convincing evidence that persuaded the court that at least one ground for termination was established under subsection 19b(3), the liberty interest of respondent no longer included the right to custody and control of Laila. *Trejo, supra* at 355.

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey