

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JASYRI MAKAIH ORR, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AJURA M. SMITH,

Respondent-Appellant,

and

TYREE TERRELL ORR,

Respondent.

UNPUBLISHED

July 15, 2008

No. 282573

Wayne Circuit Court

Family Division

LC No. 05-442865-NA

Before: Fitzgerald, P.J., and Talbot and Donofrio, JJ.

MEMORANDUM.

Respondent Smith appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii) (desertion for at least 91 days without seeking custody); (c)(i) (the conditions that led to the adjudication continue to exist); (g) (failure to provide proper care or custody); (i) (parental rights to the child's sibling(s) have been terminated due to serious and chronic neglect); (j) (the child is likely to be harmed if returned to the parent's home); (k)(i) (abuse of a child or sibling that included abandonment of a young child); and (l) (parental rights to another child were terminated as a result of a proceeding under MCL 712A.2(b) or a similar law). Because there was clear and convincing evidence to support the statutory basis for termination, and, because respondent's challenge regarding petitioner's reunification attempts lacks merit, we affirm.

Although respondent asserts that there was no clear and convincing evidence to terminate her parental rights, she does not specifically challenge any of the statutory grounds for

termination found by the trial court.¹ Instead, she argues that petitioner failed to provide her with services toward reunification while she was in Ohio.

Generally, when a child is removed from the custody of the parents, petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan. MCL 712A.18f(1), (2), and (4). The service plan must include a schedule of services to be provided to the parent, child, and foster parent to facilitate the child's return to his or her home or to facilitate the child's permanent placement. MCL 712A.18f(3)(d).

Contrary to respondent's argument, the evidence did not show that her failure to achieve reunification was attributable to deficient efforts by petitioner. Respondent was provided with and completed most services. By October 2006, the primary obstacle to reunification was her unknown housing situation. Because respondent was then living in Ohio, a referral was made to that state's agency for a home study, but respondent refused to cooperate. Respondent then announced an intention to return to Michigan, so there was no point in assessing a home in which the child would not be living. Rather than return to Michigan, however, respondent remained in Ohio for a time and then moved to the west coast, essentially severing contact with petitioner and her son. The evidence clearly showed that petitioner made reasonable efforts to reunify respondent with her child, and that it was respondent who prevented any opportunity for reunification. The trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Michael J. Talbot
/s/ Pat M. Donofrio

¹ At a minimum, termination was appropriate under § 19b(3)(1), given the undisputed evidence that respondent's parental rights to two other children were terminated following the initiation of child protective proceedings in California.