

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANIQUA PREWITT and
DIAMOND PREWITT, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KATRINA PREWITT,

Respondent-Appellant.

UNPUBLISHED

October 27, 2005

No. 262210

Berrien Circuit Court

Family Division

LC No. 2003-000133-NA

Before: Gage, P.J., and Hoekstra, and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). The record does not support respondent's argument that the allegations concerning her abuse of prescription medications and illegal substances were unproven. She had admitted to recent marijuana use, her physician had terminated their doctor-patient relationship after finding out that she was taking additional pain medications provided by other physicians, and she had failed to provide a drug screen since June 2004. Similarly, respondent's argument that there was a bond between her and the children is not substantiated by the record, which instead clearly showed that the children consistently expressed their preference not to visit with their mother. Respondent's failed to benefit from the few services she attended, and she failed to participate in services for almost six months before the termination trial. She had no contact with the foster care worker since she left a voice mail message in November 2004 stating that she wanted to release her parental rights. Accordingly, the trial court did not clearly err in basing termination upon MCL 712A.19b(3)(c)(i) and (g). Nor did it clearly err in finding that termination was not contrary to the best interests of the children, who needed a consistent and stable caregiver.

The remainder of respondent's argument is that any alleged failure by her in caring for the children was caused by her multiple sclerosis affliction rather than by her own decisions and actions. Respondent argues that the trial court should not have used a "normal person standard" when assessing her parenting abilities and that petitioner should have provided additional services. This argument is not timely because respondent failed to protest at the time the treatment plan was adopted or soon afterward. See *In re Terry*, 240 Mich App 14, 26; 610 NW2d 563 (2000). There is no evidence that respondent's affliction was considered in her treatment plan or at the termination trial. Therefore, we decline to consider this unpreserved argument.

Affirmed.

/s/ Hilda R. Gage

/s/ Joel P. Hoekstra

/s/ Christopher M. Murray