

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of Kevin T. J. Cobb, Jr., Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
August 26, 2003

v

AUDREY ANN BROWN,  
  
Respondent,

No. 243072  
Wayne Circuit Court  
Family Division  
LC No. 01-400152

and

KEVIN JEROME COBB,  
  
Respondent-Appellant.

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Before: Markey, P.J., and Cavanagh and Saad.

MEMORANDUM.

Respondent Kevin Jerome Cobb appeals as of right the order terminating his parental rights. We affirm. Respondent mother did not contest the termination of her rights.

The child was born on June 1, 2001, and came to the court's attention when he tested positive for cocaine at his birth. After respondent established paternity, the court took jurisdiction, and respondent entered into a parent-agency agreement. The agreement required respondent to obtain suitable housing, take parenting classes, and participate in visitations. Respondent failed to comply with these conditions.

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id*, 356.

The petition alleged that respondent deserted the child, failed to rectify conditions that led to the adjudication, failed to provide proper care and custody, abused the child by abandoning

him, and that it was likely that the child would be harmed if returned to respondent's home. MCL 712A.19b(3)(a), (c), (g), (j), and (k). There is clear and convincing evidence to support the termination of respondent's parental rights. Respondent did not obtain suitable housing, complete parenting classes, or consistently visit the child. Failure to comply with the parent-agency agreement is evidence of respondent's neglect. *In re Ovale*, 140 Mich App 79, 83; 363 NW2d 731 (1985). The eleven-month break between respondent's visits shows that respondent deserted and abandoned the child. Where respondent only visited the child twice, there was no evidence that termination was not in the best interest of the child.

Affirmed.

/s/ Jane E. Markey  
/s/ Mark J. Cavanagh  
/s/ Henry William Saad