

STATE OF MICHIGAN
COURT OF APPEALS

In re ZION DIAMON DOUTHARD, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
January 31, 2006

Petitioner-Appellee,

v

CHANTA GANTZ,

Respondent-Appellant.

No. 264108
Oakland Circuit Court
Family Division
LC No. 03-680744-NA

Before: Meter, P.J., Whitbeck, C.J., and Schuette, J.

MEMORANDUM.

Respondent Chanta Gantz appeals as of right from a circuit court order terminating her parental rights to the minor child.¹ We affirm. We decide this appeal without oral argument.²

The trial court did not clearly err in finding that the statutory ground for termination had been proved by clear and convincing evidence.³ Apart from the fact that Gantz pleaded *nolo contendere* to the amended petition and did not seek to withdraw her plea in the trial court,⁴ the evidence showed that Gantz allowed her abusive partner, who had killed their younger child, to remain in the home until his arrest. Despite the request for termination, Gantz had been offered services to help her with providing a safe and secure environment for her remaining child, but she refused to participate.

¹ MCL 712A.19b(3)(g) (authorizing termination where the parent fails to provide proper care or custody and is unlikely to be able to do so within a reasonable time).

² MCR 7.214(E).

³ *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999).

⁴ See *Living Alternatives for the Developmentally Disabled, Inc v Dep't of Mental Health*, 207 Mich App 482, 484; 525 NW2d 466 (1994) (“A party may not take a position in the trial court and subsequently seek redress in an appellate court that is based on a position contrary to that taken in the trial court.”).

We further conclude that the trial court's finding regarding the child's best interests was not clearly erroneous.⁵ Although Gantz and the child had a close and loving relationship that was maintained through family visits, the child had been in foster care for two years and was no closer to returning home than she had been at the outset of the case, because Gantz made no effort to rectify the conditions that led to the child's placement in foster care. Therefore, the trial court did not clearly err in terminating Gantz's parental rights to the child.⁶

We affirm.

/s/ Patrick M. Meter
/s/ William C. Whitbeck
/s/ Bill Schuette

⁵ MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000).

⁶ *In re Trejo, supra* at 356-357.