

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KYLA LASHAUN NELSON,
Minor.

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

UNPUBLISHED
February 14, 2006

Petitioner-Appellee,

v

CAMILLE LASHAUN NELSON,

Respondent-Appellant.

No. 263904
Wayne Circuit Court
Family Division
LC No. 04-429923-NA

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights under MCL 712A.19b(3)(a)(ii), (c)(i), and (g). Because the trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The conditions leading to adjudication were respondent's drug use and her neglect of Kyla, which caused, among other things, Kyla missing school. At the time of trial, respondent had not even started any type of substance abuse treatment or individual counseling. One of the very few drug screens she took during the pendency of the case was positive for cocaine. Further, a drug screen taken on the first day of trial was also positive for cocaine. Thus, the trial court clearly determined that respondent had failed to even begin to eradicate her drug addictions. In addition, she had not completed any part of her parent-agency agreement. Furthermore, between September 24, 2004, and March 23, 2005, a period well more than 91 days, respondent did not participate in services at all and did not visit Kyla. Clearly respondent failed to make even minimum efforts to reunite with her minor child.

We also find respondent's argument that petitioner failed to make reasonable efforts to reunite her with Kyla, in violation of MCL 712A.19, unpersuasive. Assuming there were such

statutory requirements, ¹petitioner did not fail to make reasonable efforts at reunification. Petitioner provided respondent with many referrals for services, including grief and individual counseling and substance abuse treatment, and provided several of them twice. Petitioner provided respondent the opportunity to visit Kyla weekly. As discussed above, respondent did not take advantage of any of these services. Respondent's failure to rectify the conditions leading to adjudication was not caused by petitioner's failure to make reasonable efforts at reunification.

We also find that the trial court did not clearly err in its best interest determination, MCL 712A.19b(5), where respondent had not seen Kyla in months and continued to have a substance abuse problem.

We further find that the trial court did not abuse its discretion in denying respondent's motion for an adjournment on the final day of trial. Although respondent had expressed her desire to testify at the hearing, she did not appear at the hearing and did not contact her counsel or the trial court regarding her failure to appear. MCR 3.923(G) requires good cause for any adjournment and respondent's counsel's argument that, a month before the hearing, respondent was having problems with her pregnancy, did not constitute good cause.

Affirmed.

/s/ Stephen L. Borrello
/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald

¹ MCL 712A.19 does not contain any requirement that would make the petitioner make reasonable efforts to reunite a parent with a child in foster care or relative placement.