

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DIAMOND TRESOUR  
RIGGINS, DAYNA RIGGINS, and MYRAKLE  
RIGGINS, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ELSIE RIGGINS,

Respondent-Appellant,

and

TYRONE JOHNSON and JAMELL WILLIAMS,

Respondents.

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UNPUBLISHED

May 14, 2009

No. 288051

Wayne Circuit Court

Family Division

LC No. 05-447947

Before: Sawyer, P.J., and Murray and Stephens, JJ.

MEMORANDUM.

Respondent mother Elsie Riggins appeals the dispositional order authorizing the removal of the children from her home, and ordering that visitation be supervised and only occur at the agency. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Respondent mother appeared at the court after the preliminary hearing was held, so the trial court referee recalled the case to inform respondent mother that it found probable cause to remove the children from her home, that visitation was to be supervised at the agency only, and that telephone contact with the children was prohibited. Respondent mother requested a judge to review the referee's recommendation regarding visitation, and the judge affirmed the referee's recommendation. At the pretrial hearing, the court clarified that respondent mother could have telephone contact with the maternal grandmother, with whom the children were placed, so long as respondent mother was not confrontational, but she could not speak with the children.

MCR 3.993(A)(1) allows a respondent to appeal by right an order of disposition placing a minor under the supervision of the court or removing the child from the home. Respondent

mother is not appealing the removal decision, but only the alleged prohibition from telephone contact with the maternal grandmother. Because the trial court never prohibited respondent mother from having telephone contact with the maternal grandmother, and later explicitly allowed such contact as long as respondent mother was not confrontational, there is no issue to be resolved on appeal. We also hold that the court did not err in prohibiting telephone contact with the children based on the allegations of physical abuse of all three children, which occurred only a year after the children were returned to respondent mother's home, having been removed previously for physical abuse.

Affirmed.

/s/ David H. Sawyer

/s/ Christopher M. Murray

/s/ Cynthia Diane Stephens