

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MATTHEW ADAM LEONARD,  
Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
February 15, 2005

v

ANDREW ADAM KRZSZTOPANIEC,  
  
Respondent-Appellant.

No. 256915  
Wayne Circuit Court  
Family Division  
LC No. 95-325159-NA

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Before: Talbot, P.J., Whitbeck, C.J., and Jansen, J.

PER CURIAM.

Respondent-appellant Andrew Krzsztopaniec appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

In a prior appeal, this Court reversed an earlier order terminating respondent's parental rights to the minor child. *In re Matthew Adam Leonard*, unpublished opinion per curiam of the Court of Appeals, issued August 26, 2003 (Docket No. 243902). After the matter was remanded, petitioner renewed reunification efforts and respondent signed a parent-agency agreement requiring regular visitation with the child, random drug screens, counseling, and parenting classes. Although respondent initially complied with the visitation and drug screen requirements, in late December 2003, he ceased all contact with petitioner and stopped visiting the child. Respondent notified his caseworker that he could not attend visits because his driver's license had been suspended, but he made no effort to contact the child by telephone or mail, nor did he respond to the caseworker's repeated efforts to contact him by mail and telephone.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). We review the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. The evidence established that respondent

abandoned the child from December 2003, up to and including the date of the May 25, 2004, termination hearing, thereby justifying termination under § 19b(3)(a)(ii). Respondent's argument that petitioner failed to make sufficient efforts to contact him is unconvincing, especially considering that respondent had been involved in this case for more than three years and knew how to contact petitioner, the court, and his own counsel. Although respondent suggests that he might have been incapacitated in a hospital or incarcerated in a federal prison, he provides no support for these allegations.

Respondent's abandonment of the child also supports termination under §§ 19b(3)(c)(i) and (g). Respondent's failure to comply with the court-ordered treatment plan is indicative of his continuing neglect. See *In re Trejo, supra* at 346 n 3; *In re Zimmerman*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 253112, issued November 4, 2004), slip op at 8. Although the original focus of this case concerned respondent's failure to intervene to protect the child from Kimberly Leonard's neglect, termination was proper under § 19b(3)(c)(i), because respondent's abandonment of the child represents his failure to rectify the original condition of his failure to provide proper care when Leonard failed to do so.

Finally, although respondent asserts in his statement of the question presented that termination was contrary to the child's best interests, he fails to present any argument in support of this claim. This issue is therefore waived, because a party "may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim." *American Transmission v Channel 7*, 239 Mich App 695, 705; 609 NW2d 607 (2000). In any event, there is no indication in the record that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra*.

Affirmed.

/s/ Michael J. Talbot  
/s/ William C. Whitbeck  
/s/ Kathleen Jansen