

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RONNIE DURON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

MARIA DURON,

Respondent - Appellant,

and

RONALD LUBBERS,

Respondent.

UNPUBLISHED

September 29, 2000

No. 226102

Kent Circuit Court

Family Division

LC No. 99-000712-NA

Before: McDonald, P.J., and Sawyer and White, JJ.

MEMORANDUM.

Respondent appeals as of right the order taking jurisdiction over the minor child and making him a temporary ward of the court. We affirm.

A petition was authorized asserting that the child came within the provisions of §2(b) of the Juvenile Code, MCL 712A.2(b); MSA 27.3178(598.2)(b), because he showed signs of developmental delay, respondent failed to follow professional recommendations to remedy the problems, the child suffered from dental disease due to excessive use of a bottle, respondent suffered from mental illness that may affect her parenting, and she denied knowledge of the identity of the child's father. After a two-day hearing, the court found that the allegations in the petition were established. The court took jurisdiction over the child, and placed him under court wardship.

To acquire jurisdiction in a child protective proceeding, the factfinder must determine by a preponderance of the evidence that the child comes within the statutory requirements. *In re Brock*, 442

Mich 101, 109; 499 NW2d 752 (1993). MCL 712A.2(b)(1); MSA 27.3178(598.2)(b)(1) provides the court with jurisdiction over a juvenile whose parent, when able to do so, neglects or refuses to provide proper or necessary support, education, medical, surgical, or other care necessary for his or her health or morals, who is subject to a substantial risk of harm to his or her mental well-being, who is abandoned, or who is without proper custody or guardianship.

The evidence presented at the hearing supports the court's finding of jurisdiction. The evidence shows that respondent has failed to provide proper care for her child, and that although there may not be a risk of physical harm, there is a risk to his mental well-being. Given the testimony of the medical and psychological experts and respondent's own testimony, the court could find by a preponderance of the evidence that the jurisdictional requirement was met. *Brock, supra*.

Affirmed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Helene N. White