

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of WINNIFRED TOTH, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROLYN TOTH,

Respondent-Appellant,

and

RUSSELL J. STEVENS,

Respondent.

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UNPUBLISHED  
February 23, 2001

No. 225374  
Bay Circuit Court  
Family Division  
LC No. 97-005963-NA

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g); MSA 27.3178(598.a9b)(3)(g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Nor is there any merit to respondent-appellant's claim that she was not offered reasonable accommodations under the Americans With Disabilities Act (ADA), 42 USC 12101 *et seq.* A parent may not raise alleged violations of the ADA as a defense to termination of parental rights proceedings. *In re Terry*, 240 Mich App 14, 25; 610 NW2d 563 (2000). Further, the record indicates that respondent-appellant was provided with numerous services, many of which she refused, in an effort to reunite her with her child. There is evidence that the FIA made several

changes in its usual procedure to try to make visitation more comfortable for respondent-appellant in light of her mental illness and difficulty remembering appointments, and that the FIA staff “really tried hard to go the extra mile” with respondent-appellant. Despite efforts to accommodate her mental illness, respondent-appellant was unable to demonstrate that she was able to meet her child’s most basic needs. *Id.*, at 28.

Finally, there is no merit to respondent-appellant’s claim that counsel was ineffective. The evidence supports the trial court’s determination that respondent-appellant’s lack of faith in counsel was related to the paranoia caused by her mental illness. Respondent-appellant has made no claim that counsel made any serious error that prejudiced her case. *People v Mitchell*, 454 Mich 145, 156; 560 NW2d 600 (1997).

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O’Connell