

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MJPM, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee

v

LOUISE MURDOCK MOSLEY,

Respondent-Appellant.

UNPUBLISHED

June 19, 2001

No. 228206

Wayne Circuit Court

Family Division

LC No. 97-354803

Before: Hoekstra, P.J., and Talbot and Zahra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(b)(i), (c)(i), (g) and (j). We affirm.

We conclude from a review of the record that the trial court did not clearly err in finding that the above-referenced subsections were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The record shows that respondent has a history of mental illness and has attempted suicide. Initially, after the court took custody of the child, respondent was completely uncooperative, refusing to sign a parent agency agreement and refusing any services and referrals. Months later, respondent decided to accept services. She attended parenting classes and participated in random drug screens. However, some screens were positive for opiates and for alcohol. Respondent maintained that her prescription medicines were causing the positive screens, but when requested to assist in determining which prescribed medication led to the positive results she refused to cooperate. Further, respondent failed to participate in the recommended individual mental health therapy, even though she received on a monthly basis her medication for her mental health problems. Even with medication, respondent continued to display impaired insight and judgment. After several months of participation with court-ordered caseworkers, respondent again became uncooperative with the caseworkers, exhibited inappropriate outbursts in court, and discontinued visitation with the child that she had been participating in regularly. Respondent continued to deny abuse, despite the testimony of numerous eyewitnesses of various incidents of respondent

verbally and physically abusing the child. Under these circumstances, we cannot conclude that the court clearly erred in finding clear and convincing evidence to terminate respondent's parental rights to the minor child.

Respondent-appellant also argues that termination of her parental rights was not in the child's best interest. Once a statutory ground for termination is established, parental rights must be terminated unless the court finds from evidence on the whole record that termination is clearly not in the child's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors, supra* at 354, 356-357. Here, despite respondent's bond with the child, respondent's mental health issues, her resistance to treatment, and her continued denial of the abuse that brought the child into care support the trial court's determination. The trial court did not err in concluding that termination of respondent's parental rights was in the best interest of the child.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Michael J. Talbot
/s/ Brian K. Zahra