

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

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In the Matter of K. D., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

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SUSAN MARIE REINHARDT, a/k/a SUSAN  
DUBAY,

Respondent-Appellant,

and

GREGORY DUBAY,

Respondent.

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UNPUBLISHED

April 19, 2002

No. 235059

Bay Circuit Court

Family Division

LC No. 00-006898-NA

Before: Gage, P.J., and Griffin and G. S. Buth\*, JJ.

**MEMORANDUM.**

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to her minor child. We affirm.

The trial court properly found that respondent-appellant had failed to provide the necessary care, custody, and protection of the child and there was no reasonable likelihood that she would be able to do so within a reasonable time pursuant to subsection 19b(3)(g). This finding is supported by clear and convincing evidence. The child was seriously injured while under her care. While in the respondent's care, the child was significantly developmentally delayed and when removed from the respondent's care, the child made a remarkable improvement that demonstrated that his developmental delay was environmental, not genetic. While in the respondent's care the child was dirty and not well cared for. Respondent has failed to provide adequate housing. She lives in an overcrowded apartment, which she admits is not adequate for the child and she plans to continue living there as long as possible. In other words,

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\* Circuit judge, sitting on the Court of Appeals by assignment.

this respondent has failed to provide proper care for the child, nor has she taken any steps that might have assisted her in doing so.

The trial court did not 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 best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court therefore did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Hilda R. Gage  
/s/ Richard Allen Griffin  
/s/ George S. Buth