

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J. J. H., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LASHAWN MONIQUE HILL,

Respondent-Appellant,

and

JOHN WADE,

Respondent,

and

JOHN DOE,

Non-Party.

UNPUBLISHED

April 23, 2002

No. 235028

Wayne Circuit Court

Family Division

LC No. 96-340815

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

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor child under MCL 712A.19b(g) and (j). We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). If the court determines that the petitioner has proven by clear and convincing evidence one or more of the statutory grounds for termination, the court must terminate parental rights unless there exists clear

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

evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 351-354.

The trial court did not clearly err in finding that petitioner established the existence of one or more grounds for termination by clear and convincing evidence. Respondent-appellant has spent relatively little time caring for the child, with her contact limited to weekends between October 1998 and April 2000. She does not fully recognize the boy's physical limitations and has abdicated all responsibility for his schooling, physical and occupational therapy, and medical appointments. Respondent-appellant's emotional instability also makes it doubtful that she would be able to properly care for a child with extraordinary special needs. MCL 712A.19b(3)(g). For the same reasons, termination was appropriate under subsection (j). Respondent-appellant's history of irresponsible behavior and poor judgment make it reasonably likely that this child would suffer harm if returned to respondent-appellant's home. Termination of her parental rights was therefore proper.

Respondent-appellant also argues the trial court erred in determining that termination was in the child's best interests. We disagree. Contrary to respondent-appellant's argument, the evidence did not show that termination was clearly not in the best interests of the child. MCL 712A.19b(5); *Trejo, supra* at 356-357.

Affirmed.

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