

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.F.S. and F.A.S., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EVI SZABO,

Respondent-Appellant,

and

RICHARD KALSTEING,

Respondent.

UNPUBLISHED

July 23, 2002

No. 236258

Wayne Circuit Court

Family Division

LC No. 00-385369

Before: Talbot, P.J., and Cooper and D.P. Ryan*, JJ.

MEMORANDUM.

Respondent claims an appeal from the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

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

¹ The trial court's order also terminated the parental rights of respondent Richard Kalsteing, the children's putative father. He has not appealed the order.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. Petitioner initiated this action after the children's grandmother took them to the police and stated that respondent could not care for them. Petitioner offered respondent various services and a treatment plan, but respondent made little effort to comply with the plan. The evidence showed that respondent's circumstances at the time of the permanent custody hearing were essentially unchanged from the time the children were taken into custody. Respondent's assertion that in light of her diagnosed bipolar disorder she should have been afforded additional time to comply with the treatment plan is without merit in light of her admission that she voluntarily discontinued the prescribed course of treatment for the disorder.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds the conditions that led to adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time considering the children's ages, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Michael J. Talbot
/s/ Jessica R. Cooper
/s/ Daniel P. Ryan