

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NATHAN DOUGLAS
FORSHEE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARLES D. FORSHEE,

Respondent-Appellant.

UNPUBLISHED

January 15, 2004

No. 248670

Berrien Circuit Court

Family Division

LC No. 2002-000019-NA

In the Matter of NATHAN DOUGLAS
FORSHEE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHELLEY WIATROLIK,

Respondent-Appellant.

No. 248671

Berrien Circuit Court

Family Division

LC No. 2002-000019-NA

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Respondents-appellants appeal as of right from the trial court's order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent-father was currently stable and had made improvements in his life, expert testimony and respondent-father's history established that

the addition of caring for the autistic and mentally impaired minor child would destabilize respondent-father's fragile mental balance. Respondent-father's history shows he is very susceptible to stress. Further, there was evidence that respondent father failed to appreciate that he had harmed the child by striking him with a shower head, and that he failed to respond promptly when he observed the mother's boyfriend sexually abusing the child. The trial court did not err in finding that the conditions of adjudication continued to exist, that there was no reasonable expectation that respondent-father could properly care for the minor child within a reasonable time, that there was a reasonable likelihood the child would be harmed if returned to respondent-father's home.

The trial court also did not clearly err in terminating the parental rights of respondent-mother. Evidence presented at trial showed respondent-mother's continued problems with anger management. Further, she had little experience in caring for the minor child and was uncomfortable with his special needs. She also displayed symptoms of a mental disorder and was very resistant to change, thus making progress unlikely. Her teacher and therapists reported little or no benefit gained after classes and a year of counseling. Thus, the trial court did not err in finding that the conditions of adjudication continued to exist, that there was no reasonable expectation that respondent-mother could properly care for the minor child within a reasonable time, and that there was a reasonable likelihood the child would be harmed if returned to respondent-mother's home.

Further, there was evidence that because of the child's autism and low level of functioning, he needs an especially stable and secure environment, and that visitations with respondents would be followed by increases in his anxious behaviors, such as vomiting and biting himself. Thus, the trial court did not err in finding that termination of respondent-father's and mother's rights was not contrary to the minor child's best interests.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White