

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GARRISON JAMES DAVIS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBYN DAVIS DEPEAL,

Respondent-Appellant,

and

JAMES R. FLAUNDERS,

Respondent.

UNPUBLISHED

March 23, 2004

No. 250732

Ingham Circuit Court

Family Division

LC No. 00-497231-NA

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's termination of her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(J). The adjudicating conditions remained since respondent-appellant was not yet able to provide a home environment that was fit and appropriate. Respondent-appellant admitted to feeling overwhelmed by the day-to-day responsibilities of caring for the minor child. Sadly, her response to this stressful feeling was to behave in the same abusive fashion practiced by her own mother. Furthermore, respondent-appellant permitted her mother to have contact with the minor child despite her own admission that such contact was detrimental to the child and in direct violation of the no-contact rule imposed by the case worker. Respondent-appellant attempted to justify this behavior by stating she needed her mother's help, but this behavior highlights the failure of respondent-appellant to employ the lessons learned from years of services. There was no reasonable expectation that the adjudicating conditions would be rectified within a reasonable time.

For similar reasons, there was also a failure by respondent-appellant to provide proper care or custody for the child. Respondent-appellant's argument that she could be an appropriate parent if provided sufficient support is not supported by the evidence. According to the evaluating psychologist, respondent-appellant would not be able to properly parent the minor child within the foreseeable future. This psychologist also expressed doubt that respondent-appellant's "tortured" relationship with her mother would ever end, and respondent-appellant herself admitted that she was unable to stand up to her mother. It was not the lack of services that led to respondent-appellant's failure to properly parent the minor child; it was respondent-appellant's failure to break the vicious cycle of abuse that had marked her own childhood.

Lastly, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5). Despite the existence of a strong and loving bond between the minor child and respondent-appellant, the minor child needed stability and a nurturing environment.

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette