

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EVAN LAKIES, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LAURA LAKIES,

Respondent-Appellant.

UNPUBLISHED

January 29, 2008

No. 279749

Grand Traverse Circuit Court

Family Division

LC No. 07-001994-NA

Before: Beckering, P.J., and Sawyer and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence demonstrated that the mother suffered from paranoid schizophrenia. She had a history of noncompliance with mental health services. This was not likely to change in the future because the mother did not believe that schizophrenia was an accurate diagnosis. Her testimony confirmed, however, that she does suffer from delusional thoughts. The mother was hospitalized against her will in December 2006 and remained hospitalized until the child's birth. At the time the goal was reunification. The hope was that the mother would receive services that would allow her mental illness to remain in check and allow her to care for the child on her own. Testimony revealed that the mother was extremely attentive to the child and very involved during his stay at the neo-natal intensive care unit. However, the mother made statements about bathing him and feeding him that caused the staff to worry that she was not in a position to care for the child. She also continued to make delusional statements.

The mother argues that the mere diagnosis of paranoid schizophrenia does not necessitate termination of a parent's parental rights. However, the evidence revealed that the mother's mental illness would preclude her from appropriately caring for the child. The evidence showed that the mother was extremely suspicious of medical personnel and their diagnosis. She did not believe that the child needed a tracheotomy or a feeding tube. The consensus among the prosecution's witnesses was that the mother loved the child and would never intentionally harm him, but they all feared that the mother might cause the child harm by hyperextending his neck

or removing his feeding tube. She was admonished during visits with the child that she was hyperextending his neck, but she persisted in doing so. The child needed specialized care and, with the mother being so skeptical of his needs, it was not unrealistic to fear that she would unintentionally harm the child.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court was obligated to terminate the mother's parental rights unless it appeared, on the whole record, that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was no question that the mother truly loved the child and expressed a desire to care for him. However, her mental illness was an impediment to her ability to effectively parent this special needs child. The respondent has failed to show that termination of her parental rights was clearly not in the child's best interests.

Affirmed.

/s/ Jane M. Beckering
/s/ David H. Sawyer
/s/ Karen M. Fort Hood