

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMBER LEE WALKER-
GOODRICH, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LYNDSAY ALLISON WALKER,

Respondent-Appellant.

UNPUBLISHED

March 11, 2008

No. 281192

Emmet Circuit Court

Family Division

LC No. 07-005530-NA

Before: O'Connell, P.J., and Borrello and Gleicher, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(m). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent does not challenge the trial court's determination that a statutory ground for termination was established by clear and convincing evidence. She contests only the trial court's determination regarding the child's best interests.

Once a statutory ground for termination has been proven, "the court shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5). We review for clear error the trial court's decision regarding the child's best interests. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The evidence showed that respondent suffered from severe mental illness that effectively prevented her from raising a child on her own. There was conflicting evidence whether respondent acted appropriately during supervised visitation, but the evidence clearly demonstrated that respondent had a history of substance abuse and severe depression and that she lacked the basic skills necessary to care for an infant. Shortly after turning one year old, the court took custody of the child. Within two weeks, respondent reported that she was homeless. The record also showed that respondent failed to take advantage of the virtually unlimited visitation available to her. During a telephone call to the child, respondent expressed no love or affection for her, and instead spoke about the weather. Additionally, she voluntarily absented

herself from the termination hearing. A psychologist testified that the child would benefit to a limited extent from supervised contact with respondent until age two, but that the harm resulting from the lack of such contact would be minimal. In contrast, the evidence suggested that if respondent raised the child, the child would probably have to adapt to an environment devoid of normal human affection and interpersonal relating, leaving her at high risk for developmental delays and emotional instability.

Under the circumstances, the trial court did not clearly err in determining that the evidence, on the whole record, did not show that termination of respondent's parental rights was clearly contrary to the child's best interests. *In re Trejo Minors, supra* at 356-357. Therefore, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Peter D. O'Connell
/s/ Stephen L. Borrello
/s/ Elizabeth L. Gleicher