

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SANYO WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TASWALA MECOLE WILLIAMS,

Respondent-Appellant.

UNPUBLISHED

March 13, 2008

No. 280305

Genesee Circuit Court

Family Division

LC No. 07-122290-NA

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

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(g), and (j). For the reasons set forth below, we affirm.

On appeal, respondent argues that the requisite statutory grounds for termination were not established by clear and convincing evidence. To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child’s best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court’s decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *Trejo, supra* at 355-357; *Sours, supra* at 632-633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Deference is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C); *Miller, supra* at 337.

The trial court did not clearly err in terminating respondent’s parental rights pursuant to MCL 712A.19b(3)(g). The trial court correctly noted that respondent had severe deficits and could not take care of herself, much less a child. The trial court also correctly found that respondent’s mental illness rendered her unable to parent. The record indicates that, due to mental illness, respondent’s level of functioning was far below that of an average person and that

she could not care for a child. Respondent did not take her prescribed medication regularly and was often depressed. When living on her own, respondent maintained poor hygiene and was accused of stealing. Respondent needed instruction and supervision to manage daily living skills, which demonstrated that she could not provide proper care for Sanyo.

Respondent's mental illness also interfered with her ability to make good decisions. Respondent's poor decisions impacted Sanyo even while he was still in utero. For example, when pregnant with Sanyo, respondent refused a caesarian section even after doctors informed her she would lose her baby unless she had the surgery. This type of poor decision-making prompted respondent's sister to petition the court to appoint her permanent guardian of respondent.

Respondent's mental illness also caused her involuntary hospitalization on several occasions, most recently in April 2007. The need for involuntary commitment in April 2007 demonstrated that respondent's mental illness remained out of control. Unless respondent could properly manage her mental illness, she could not provide proper care of Sanyo.

Further, respondent never demonstrated an ability to care for Sanyo. Respondent's relationship with Sanyo was limited. She never provided money for Sanyo's support and only purchased two outfits, a pair of tennis shoes and socks for him since birth. Respondent was also emotionally removed from Sanyo, inquiring about him in an odd and detached way.

Additionally, respondent could not provide proper care and custody because she was without independent housing and income. Prior to the permanent custody hearing, respondent had been living with her mother in a two-bedroom home for approximately one month. Respondent claimed she had her own "place" before she moved in with her mother, but she was not working to be able to afford the rent. Respondent's lack of memory and clarity regarding her living situation prior to moving in with her mother revealed her limited mental capacity.

Respondent also argued there was a small amount of testimony regarding her propensity to harm Sanyo. Thus, she claimed termination of her parental rights under MCL 712A.19b(3)(j) was clearly erroneous. With respect to termination under MCL 712A.19b(3)(j), much of the same evidence concerning MCL 712A.19b(3)(g) also clearly established that, in light of respondent's capacity and conduct, a reasonable likelihood existed that Sanyo would suffer harm if returned to respondent's care. Respondent's acute psychosis, which impaired her capacity to make informed decisions and rendered her unable to understand the consequences of her choices, would likely result in her making decisions that would harm Sanyo. Respondent's unstable and unknown living situation following Sanyo's birth and her inability to maintain independent housing, jeopardized Sanyo's safety and security. Additionally, respondent's use of cocaine and failure to address her substance abuse posed a risk of harm to Sanyo.

Respondent argued there was no evidence she had ever been offered services or given a chance to prove she could parent Sanyo. Because the case proceeded under an original petition for termination of parental rights, a treatment plan for respondent and reasonable efforts for reunification were not required. MCL 712A.19b(4); MCR 3.977(E). A service plan need not be directed at reunification. MCL 712A.18f(3)(d).

Affirmed.

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