

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JACOB UNANGST, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SUSAN L. UNANGST,

Respondent-Appellant.

UNPUBLISHED

April 24, 2008

No. 280751

Genesee Circuit Court

Family Division

LC No. 03-116287-NA

Before: Bandstra, P.J., and Fitzgerald and Markey, JJ.

MEMORANDUM.

Respondent appeals by right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

The trial court did not clearly err when it found the statutory grounds for termination established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The trial court took temporary jurisdiction over the child in November 2005, after respondent requested that the minor child be taken into foster care because she could not handle him. Respondent was provided with a parent-agency agreement and offered services such as psychological and psychiatric evaluation and therapy as needed, Work First for employment assistance, parenting time, parenting classes, and substance abuse treatment, and she was required to submit random drug screens. At each review hearing, the trial court found that respondent had not made progress towards alleviating the problems that brought the minor child into care.

A permanency hearing was held in August 2006, and the trial court ordered petitioner to file a termination petition. The termination petition was not filed until May 2007. When the petition was filed, respondent had not participated in psychological or psychiatric evaluation or treatment, was not employed, had not taken parenting classes, and had not participated in substance abuse treatment or random drugs screens. Respondent missed or was late for many of her scheduled visits with the minor child and, from May 2006 until November 2006, did not visit the child at all. The reason that she gave the court was that she was too depressed to get out of bed and was unable to visit with the minor child. Respondent testified that she was diagnosed as being bipolar, but it was not clear that she was consistent with taking appropriate medication to

control this illness. She also testified that she had a substance abuse problem that involved alcohol and crack cocaine. However, it was not until June 2007, one day before the scheduled pretrial on the termination petition and a year and a half after the trial court had taken jurisdiction over the minor child, that respondent entered into the Odyssey House, a substance abuse facility.

The trial court also did not err with respect to the best interests determination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). The minor child had been the subject of a temporary court wardship when he was in first grade because he had missed so much school. He was 12 years old and had been in foster care for almost two years at the time of the termination trial, and respondent had just started to attempt to deal with the issues that caused her to request that the child be placed in foster care. The minor child deserved safety, stability and continuity, and it was clear that it would be some time, if ever, before respondent would be able to provide these for him.

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey