

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MIKAYLA BARNES, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MAUREEN MASSEY-BARNES,

Respondent-Appellant,

and

ANTONIO BARNES,

Respondent.

UNPUBLISHED

October 21, 2008

No. 284689

Wayne Circuit Court

Family Division

LC No. 97-357854-NA

Before: Servitto, P.J., and Donofrio and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals by right the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (i), and (j). We affirm.

Respondent-appellant does not challenge the establishment of the statutory grounds for termination, but contends that the termination of her parental rights was not in the minor child's best interests. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interest. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 356-357. This Court gives regard to the special opportunity of the trial court to judge the credibility of the witnesses who appear before it. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The record establishes that in early July 2007, when the child was approximately 10 months old, paramedics were called to respondent's home concerning the child. When paramedics entered the home, they noted rotten food everywhere, along with rat poison and a large pile of garbage. Respondent informed the paramedics that the child had eaten rat poison

the week before. When paramedics checked on the child, she was found on a mattress containing garbage. Respondent checked into a mental health clinic around that time and asked clinic staff and protective services to keep the child because she could not care for her.

Respondent had a long history of mental health issues and, while she had been provided prior services by petitioner, was unable to fulfill the responsibilities associated with taking care of her children and, as a result, had previously lost custody of five of her other children. According to the record, respondent smoked marijuana and drank alcohol on a daily basis while Mikayla was in her care. She had also stopped taking medication prescribed for her mental health issues, and could not maintain suitable housing for the child. Respondent blamed others for her failure to stay on her medication, her relapse, and her abuse of alcohol and marijuana. By her conduct, respondent-appellant demonstrated that she would not be able to provide proper care for her child within a reasonable time. The trial court did not clearly err in its determination regarding the child's best interests.

Affirmed.

/s/ Deborah A. Servitto

/s/ Pat M. Donofrio

/s/ Karen M. Fort Hood