

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CARDENE' D'KILAH AUSTIN,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BEVERLY MAE AUSTIN,

Respondent-Appellant.

UNPUBLISHED

January 22, 2009

No. 285208

Wayne Circuit Court

Family Division

LC No. 02-411757-NA

Before: Cavanagh, P.J., and Jansen and Meter, JJ.

PER CURIAM.

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

Termination of parental rights was appropriate if petitioner proved by clear and convincing evidence at least one statutory ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once a statutory ground for termination was established, the trial court was to terminate parental rights unless it found that termination was clearly not in the best interests of the child. Former MCL 712A.19b(5); *Trejo, supra* at 353. This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Respondent contends that petitioner did not prove that she was unfit to parent her child. Respondent argues that Robyn Smith, the foster care worker, admitted that respondent did "okay" in the hours Smith would see respondent with the child. Although Smith acknowledged that respondent did "okay" in the hours she observed respondent with the child, Smith also stated that she observed respondent for only one hour a week. The evidence revealed that respondent had not fully addressed her mental health issues, which prevented her from properly caring for this child. Medical records revealed that respondent stated that she had been hospitalized "psychiatrically" about 20 times. Respondent's psychiatric evaluation stated: "Patient is very superficial and very manipulative and was seeking some secondary gain by coming here. She is not interested in seeking help for any problems." Dr. Someswara N. Navuluri recommended adult outpatient treatment, including individual therapy, supportive therapy, and group counseling. Melissa Schirmer, the protective services worker, referred respondent for a "mental

health follow-up,” but respondent did not follow through. The evidence also revealed that respondent’s parental rights to another child were previously terminated because her whereabouts were unknown and she had visited the child only four times. Given respondent’s mental health history, her failure to fully address that issue, her sporadic homelessness, and her prior termination of parental rights, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

The trial court also did not clearly err in its best-interests determination. MCL 712A.19b(5). The minor child was removed from respondent’s care when she was approximately two weeks old. At the time, it was reported that respondent was homeless and on medication for bipolar disorder. Respondent told the worker that she had tried to commit suicide and had been hospitalized for mental health reasons. Given respondent’s failure to fully address her mental illness, her sporadic homelessness, and the termination of her parental rights to an older child, the evidence did not show that the minor child’s best interests precluded termination of respondent’s parental rights.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Kathleen Jansen

/s/ Patrick M. Meter