

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TA’KILA MYNIA PERDUE,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TACCARA S. PERDUE,

Respondent-Appellant,

and

DEMETRIUS HODGES,

Respondent.

UNPUBLISHED

April 21, 2009

No. 287533

Wayne Circuit Court

Family Division

LC No. 06-451759-NA

Before: Beckering, P.J., and Talbot and Donofrio, JJ.

PER CURIAM.

Respondent, Taccara S. Perdue, appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (“conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time”), (g) (failure to provide proper care or custody), and (j) (“reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent”). We affirm.

The minor child was removed because respondent was unable to comply with the requirements of her medical care. The child urgently needed a liver transplant, but respondent, who was then 19 years old, lacked reliable transportation, neglected to regularly bring the child to medical appointments, was not administering the child’s medications as directed, and seemed uninterested in her medical care. Because of these circumstances, the transplant team at the University of Michigan Health System (UMHS) was considering not placing the child on the list for a liver transplant although her condition was extremely serious. After the child was made a temporary court ward, she received a liver transplant and her condition improved. Respondent was provided a parent agency agreement (PAA) requiring parenting classes, psychiatric and

psychological evaluations, reliable transportation and attendance at all medical appointments for the child, GED, counseling, visitations, and suitable income and housing.

The trial court found that, over the next two and a half years, respondent did not substantially comply with the court-ordered requirements of her PAA. We find the court's determination supported by clear and convincing evidence and not clearly erroneous. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); MCR 3.977(J). Respondent did complete parenting classes and psychological and psychiatric evaluations, and typically visited the minor child on a regular basis. She loved her child and tried to be a good mother. Toward the end of the case, respondent had obtained steady employment, suitable housing, and a positive psychiatric evaluation. But in the all-important area of attendance at medical appointments and blood draws, respondent did not substantially comply. Respondent expected to rely on her aunt's car for transportation when her aunt was taking the car to work daily at 5:00 a.m. Respondent did not recognize transportation as completely her responsibility and said that her failure to attend medical appointments was "half my fault and the other half transportation." When respondent did attend the child's appointments and training sessions at UMHS, the nurse and social worker noted that she did not follow up, ask questions, or interact with the medical team. The social worker was not confident that respondent would be able to process information related to the child's care. The child's caretaker would need to know the signs and symptoms of rejection of the new liver, to consistently give required medicines, and to be able to provide reliable transportation to appointments and in an emergency.

Respondent further failed to satisfactorily complete counseling. She had three different therapists and was terminated by two for not being invested in the therapy and not making progress. A parent must not merely "go through the motions" of complying with services, but must benefit in order to be able to provide a safe, nurturing home. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). In this case, respondent evidenced issues and problems in her interpersonal relationships, in addition to a diagnosis of adjustment disorder with depressed mood, necessitating ongoing therapy. The court regularly stressed the need for respondent to cooperate and demonstrate a benefit from her participation in therapy.

Overall, respondent was not compliant with her court-ordered requirements. Failure to comply with a court-ordered treatment plan is evidence that a parent is unable to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *Trejo, supra* at 360-361 n 16. The trial court did not clearly err in finding sufficient evidence to terminate respondent's parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j).

We also find no clear error in the trial court's ruling concerning the child's best interests. MCL 712A.19b(5)¹; *Trejo, supra* at 364-365. The child is still very young and needs a parent who can be vigilant regarding her physical condition and who knows the symptoms of illness and transplant rejection. Respondent failed to attend numerous Clinics at UMHS and showed

¹ MCL 712A.19b(5) was amended, effective July 11, 2008, to require that the trial court make an affirmative finding that termination of a parent's parental rights is in the best interest of the child. 2008 PA 199.

little interest in her child's medical condition. She lacked reliable transportation, which comprised an absolute necessity for this child. Further, some witnesses did not observe the existence of a strong bond between mother and child and respondent failed to progress in therapy. Hence, termination was in the minor child's best interests, and the trial court did not err in its ruling.

Affirmed.

/s/ Jane M. Beckering

/s/ Michael J. Talbot

/s/ Pat M. Donofrio