

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

July 20, 2010

In the Matter of T. V. C. FRY, Minor.

No. 295682

St. Joseph Circuit Court

Family Division

LC No. 2007-001105-NA

Before: HOEKSTRA, P.J., and JANSEN and BECKERING, JJ.

MEMORANDUM.

Respondent T. Herington (respondent) appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g). We affirm.

Contrary to respondent's argument on appeal, the circuit court did not clearly err by finding that § 19b(3)(g) had been established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the circuit court erred to the extent that it found that some of the original barriers to reunification (e.g., substance abuse, domestic violence, and mental health concerns) continued to exist, the court properly concluded that other identified barriers to reunification continued to exist and were not likely to be rectified within a reasonable time given the child's age. Respondent was unable to live independently and relied on others for housing, transportation, and financial support. Further, due to a chaotic upbringing, the child suffered from ambivalent attachment disorder. Respondent worked on parenting skills and parent-child interactive therapy for several months, but made only minimal progress. The evidence established that respondent did not internalize the concepts that were taught and thus did not continue to use those concepts when she was not being actively coached. Consequently, the child still did not know what to expect from respondent and still did not trust respondent to meet his needs. The child continued to respond by acting out, and respondent could not control his behavior.

We acknowledge that respondent loves the child and that respondent made progress in certain limited respects during the pendency of these proceedings. However, in other respects, respondent remained wholly unable to provide proper care and custody for the child. Moreover, the evidence supported the circuit court's determination that respondent would remain unable to

do so within a reasonable time given the child's age. For these reasons, we cannot conclude that the circuit court clearly erred by terminating respondent's parental rights to the child.¹

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kathleen Jansen
/s/ Jane M. Beckering

¹ Respondent does not challenge the circuit court's best-interests determination under MCL 712A.19b(5). We therefore decline to address it.