

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

October 14, 2010

In the Matter of J. L. MORING, Minor.

No. 296851

Wayne Circuit Court

Family Division

LC No. 06-457530-NA

Before: FORT HOOD, P.J., and JANSEN and WHITBECK, JJ.

MEMORANDUM.

Respondent-mother¹ appeals by right the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (i), and (j). We affirm.

Before a court may terminate a respondent's parental rights, the petitioner must establish at least one statutory ground for termination by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In this case, the trial court did not err when it found sufficient evidence that respondent-mother had not rectified the conditions leading to adjudication and was not likely to do so within a reasonable time considering the child's age. MCL 712A.19b(3)(c)(i). The conditions that led to adjudication were medical neglect, untreated mental health issues, poor parenting skills, and alcohol abuse, which led to the termination of respondent-mother's rights to other children a few months before the minor child at issue in this case was born. Although respondent-mother participated in parenting classes and therapy, she did not benefit from the services she received. See *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005). She demonstrated that she was still unwilling or unable to meet any of her children's medical and emotional needs when she failed to visit or attend medical appointments. Her unwillingness to learn to use public transportation was not a sufficient excuse. Further, because she missed screens, she could not demonstrate that she had stopped abusing alcohol.

The same evidence supported the trial court's finding that respondent-mother had failed to provide proper care and custody for the child and was not reasonably likely to do so in a reasonable time. MCL 712A.19b(3)(g). Moreover, the risks posed by respondent-mother's serious neglect of the child's medical and therapeutic needs made it reasonably likely that the

¹ The child's father is not involved in the present appeal.

child would be harmed if returned to respondent-mother's home. MCL 712A.19b(3)(j). Lastly, the trial court did not err by finding that respondent-mother's rights to another child had been terminated because of serious neglect or abuse and that prior rehabilitation efforts had failed. MCL 712A.19b(3)(i). We conclude that the statutory grounds for termination were proven by clear and convincing evidence.

Respondent-mother also challenges the trial court's finding under MCL 712A.19b(5) that termination was in the child's best interests. Respondent-mother claims that she and the child shared an obvious bond. But the only testimony on this subject suggested that they did not have a bond. The child was removed as a newborn, and respondent-mother reportedly attended only five of about fifty offered visits. Further, the child had medical and developmental challenges that required a stable and attentive environment, which respondent-mother could not provide. We cannot conclude that the trial court erred by finding that termination of respondent-mother's parental rights was in the child's best interests.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Kathleen Jansen
/s/ William C. Whitbeck