

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
November 16, 2010

In the Matter of A. M. F-GOUDEAU, Minor.

No. 297595  
Ingham Circuit Court  
Family Division  
LC No. 09-001481-NA

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Before: CAVANAGH, P.J., and HOEKSTRA and GLEICHER, JJ.

PER CURIAM.

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

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The trial court must also find clear and convincing evidence that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5). This Court reviews a trial court's factual findings in an order terminating parental rights for clear error. MCR 3.977(K); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding of fact is clearly erroneous, if although there is evidence to support it, the reviewing court is left with the definite and firm conviction that a mistake has been made. *Id.*

The trial court properly concluded that clear and convincing evidence supported two statutory grounds for termination. Petitioner presented clear and convincing evidence that respondent's parental rights to three children were terminated on January 17, 2008. Therefore, termination of respondent's parental rights was justified under MCL 712A.19b(3)(l).

There was also clear and convincing evidence that the child would likely be harmed if returned to respondent's care. The child was immediately removed from respondent's care after he was born because respondent's parental rights were previously terminated due to mental health issues, an abusive relationship, lack of parenting skills, and lack of income. These issues continued to exist and could harm the child if he were returned to respondent's care.

Respondent's mental health issues continued to inhibit her ability to parent her child. When respondent began working with Families First in 2006, respondent was confused much of the time and did not grasp the purpose of Families First or understand petitioner's involvement in

her life. After the petition was filed in this case, respondent was not taking any medication. The foster care worker explained that conversations with respondent were difficult because she could not understand what was said to her and her responses did not make any sense. After respondent began taking Abilify in December 2009, the foster care worker noticed a marked improvement in respondent's behavior and comprehension. However, at the time of the termination hearing, respondent was no longer seeing the psychiatrist who prescribed her medication. She missed three appointments and, as a result, was dismissed from that program. Because respondent had only been on the medication for three months and was already dismissed from the psychiatric program because of missed appointments, the foster care worker feared that if no one constantly followed up with respondent she would let her prescriptions lapse and her functioning would deteriorate.

When respondent's children were removed from her care in 2006, she was involved in a physically abusive relationship with the children's biological father. In May 2009, respondent, who was pregnant with the child at issue in this appeal, and this child's biological father were involved in a domestic violence incident, and respondent was taken to the hospital. After the incident, there was a no-contact order issued between respondent and the child's father. After the infant was born, the father was incarcerated two separate times, had no income, and continued to see respondent in spite of the no-contact order. At the termination hearing, respondent was three months pregnant with their second child together.

Respondent also failed to demonstrate proper parenting skills. Respondent had to be coaxed into visiting her child alone and expressed concern about the child's safety in her care. The foster care worker, who observed respondent's visitation, noted that respondent did not engage the baby and that the visits were very quiet.

Considering that respondent failed to demonstrate that she was capable of consistently controlling her mental health with medication, that she was afraid to be alone with the child, that she failed to engage with her baby during visitation, and that she was involved in another abusive relationship, the trial court did not err in concluding that there was a reasonable likelihood the child would be harmed if returned to respondent's care.

Considering that the same conditions that led to the prior termination of her parental rights still existed and exposed her child to harm, the trial court did not clearly err in terminating respondent's parental rights pursuant to MCL 712A.19b(3)(j) and (l). This evidence combined with respondent's participation in another abusive relationship and another pregnancy supported the trial court's conclusion that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Joel P. Hoekstra  
/s/ Elizabeth L. Gleicher