

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ALANTE' LESS GROSS, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANDREA LANETTA GROSS,

Respondent-Appellant,

and

KEVIN O'NEAL,

Respondent.

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UNPUBLISHED

September 29, 2000

No. 221031

Wayne Circuit Court

Family Division

LC No. 97-359074

Before: Collins, P.J., and Jansen and Zahra, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j).<sup>1</sup> We affirm.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence is overwhelming that respondent-appellant only minimally attempted to comply with her treatment plan, and that her acute mental illness remains unabated.

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<sup>1</sup> The order of termination also lists among the statutory bases for termination §19b(3)(i), but, as petitioner concedes, that subsection is plainly inapplicable in this case.

We further reject respondent-appellant's argument that a failure on the part of her guardians to help her recognize and treat her mental illness constitutes a due process violation attributable to the state. Respondent-appellant appears to argue that, because the family court recognized a ward-guardian relationship between herself and her parents, the state thus bears responsibility for any failure on the guardians' part to perform their duties pursuant to that special relationship. Respondent-appellant cites no authority for this proposition and we are unaware of any such responsibility that the state must bear in such a situation. Because neglect for purposes of termination proceedings need not be culpable, *In re Middleton*, 198 Mich App 197, 199; 497 NW2d 214 (1993); *In re Campbell*, 182 Mich App 70, 82; 451 NW2d 576 (1988), even assuming (without deciding) that respondent-appellant's guardians are partially to blame for her lack of compliance with her treatment plan, the family court was not for that reason precluded from finding that respondent-appellant herself was not a fit parent.

Finally, the evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 354; \_\_\_ NW2d \_\_\_ (2000). Thus, the family court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Kathleen Jansen

/s/ Brian K. Zahra