

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CJB, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VICTORIA ANNE MARGARET GLOVER,

Respondent-Appellant,

and

ALDEN BRINNINGSTAULL,¹

Respondent.

UNPUBLISHED

March 1, 2002

No. 233144

Wayne Circuit Court

Family Division

LC No. 99-378552

Before: White, P.J., and Whitbeck, C.J., and Holbrook, Jr., J.

PER CURIAM.

Respondent appeals as of right from the order of the circuit court terminating her parental rights under MCL 712A.19b(3)(c)(i), (3)(g), and (3)(j). We affirm.

Once a trial court determines that one or more of the statutory grounds for termination has been established by clear and convincing evidence, the trial court must terminate parental rights unless “there exists clear evidence, on the whole record, that termination is not in the child’s best interests.” *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review the family court’s findings under the clearly erroneous standard. *Id.* at 358. “A finding is clearly erroneous where the reviewing court is left with a firm and definite conviction that a mistake has been made.” *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

¹ Respondent Brinningstaull was named by respondent Glover as the child’s putative father. He did not take part in any of the proceedings below and has not appealed the termination of parental rights. The referee’s report and recommendation indicates that respondent Brinningstaull died twelve years before the minor child’s birth.

The minor child came to the attention of the court and petitioner after police officers responding to a report of a “possible violent/mental,” found the child living in a chaotic environment. The officers found respondent’s home to be in a state of disarray, strewn with clothes, dirty dishes, trash, and fecal matter. When the child, who was then almost four-years old, would take off running down the street, the officers had to retrieve the child because respondent never made any such attempt. Further, one of the officers testified that respondent stated she could not take care of the child and that she had every intention of leaving the child behind when she left the state within the week. The child was removed from respondent’s care and custody that day, and was subsequently adjudicated a temporary ward of the court after a hearing before a referee.

Respondent argues that the court erred in that it focused unduly on her not having addressed her mental health issues when terminating her parental rights. Respondent argues that she had not been given sufficient time to deal with these issues, that she had received conflicting professional advice on a course of treatment, and that she was otherwise in substantial compliance with her treatment plan.

Respondent’s argument is flawed in two ways. First, the record shows that contrary to her contention, respondent had not substantially complied with her treatment plan. While she did attend parenting classes and obtain suitable housing with her grandmother, she had not obtained a stable income and was often not engaged with her child during visitation. Moreover, respondent also tended to rely on her grandmother during visitation. Respondent’s reliance on her grandmother led the caseworkers to require that respondent attend visitation without her grandmother twice a month. Respondent did not comply with this requirement. Additionally, the record shows that respondent had not visited with her child for several months after adjudication because she had left the state. Regarding employment, respondent showed only an interest in obtaining work as a truck driver. However, there is no evidence that she had obtained such employment, that she was properly licensed for such work, or that she could arrange for appropriate care for her child during any absences.

As for the mental health issue, while it is true that respondent had received two different treatment recommendations (the difference lying primarily in the need to be medicated), she had nonetheless failed to follow through on either course of treatment. Further, the fact that she had been given different diagnoses and treatment recommendations does not undermine the fact that she has significant mental health issues that need to be addressed. The record is clear that she has failed to address these issues.

Second, we disagree with respondent’s assertion that the court unduly relied on mental health concerns when terminating her parental rights. To the contrary, we believe the court displayed the correct level of concern about respondent’s mental health. As the referee observed, dealing with her mental health issues lay at the “core” of respondent’s treatment plan. Respondent’s failure to address this issue and her continuing denial that she has any mental health problems raises reasonable concerns about the likely success of any course of treatment within a reasonable time. Accordingly, we conclude that the court did not clearly err in finding that each of the statutory grounds for termination was established by clear and convincing evidence. MCR 5.974(I).

We also reject respondent's assertion that the termination was not in the child's best interests. In addition to the circumstances noted above, the record shows that the child had made significant progress while in foster care.

Affirmed.

/s/ Helene N. White

/s/ William C. Whitbeck

/s/ Donald E. Holbrook, Jr.