STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SABRINA YOUNG, CYNTHIA YOUNG, and JAMAR SANDERS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TOSHUA YOUNG,

Respondent-Appellant.

and

KENNETH DUNN, JR., and LAMAR BOOKER,

Respondents.

UNPUBLISHED
June 24, 2004

No. 251450
Berrien Circuit Court
Family Division
LC No. 2001-000086-NA

Before: Sawyer, P.J., and Gage and Owens, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

In June 2001 respondent-appellant was diagnosed with acute psychosis following her admission to a psychiatric hospital after she experienced hallucinations and paranoia. Respondent-appellant was treated with medication and, approximately two weeks later, she was no longer hallucinating and was released from the hospital and her children were returned to her. To effectively treat her mental illness and maintain stability, respondent-appellant needed to continue to take the prescribed medication and undergo therapy. Approximately one week later, the children were brought into the custody of the court after respondent-appellant stopped taking her medication. After the dispositional hearing, the court ordered that respondent-appellant comply with the case service plan, which included taking her medication on a regular basis, attending mental health therapy and successfully completing parenting classes.

Respondent-appellant argues that petitioner failed to prove a statutory ground for termination under MCL 712A.19b(3)(c)(i), (g) and (j) by clear and convincing evidence. We disagree.

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 Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993), citing *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). We review the trial court's determination for clear error. *Trejo, supra* at 356-357. A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003), citing *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, to be clearly erroneous the decision must be "more than just maybe or probably wrong." *Trejo, supra* at 356, quoting *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The critical issue for respondent-appellant was effectively treating her mental illness with medication and therapy to maintain stability and enable her to properly care for her children. The evidence established that respondent-appellant's mental illness extremely limited and affected her parenting ability, and without effective treatment she could not maintain stability and/or acquire coping skills needed to ensure the safety of the children. Unfortunately, during the course of the proceedings, respondent-appellant failed to successfully address her mental illness despite the numerous services offered to her. Throughout the proceedings, respondent-appellant failed to comply with her court-ordered treatment plan. Respondent-appellant failed to take her prescribed medication on a regular basis, did not attend the required therapy (missing eleven out of fourteen times throughout the case), and failed to successfully complete parenting classes.

Under these circumstances the trial court did not clearly err in finding that MCL 712A.19b(3)(c)(i) was established by clear and convincing evidence because respondent-appellant failed to effectively treat her mental illness, the condition that originally led to the adjudication. The evidence also justified termination under MCL 712A.19b(3)(g) because the evidence clearly established that without effective treatment of her mental illness respondent-appellant was unable to properly care for the children. *Miller, supra* at 337. In addition, given respondent-appellant's inability to consistently comply with her treatment plan and maintain her own stability throughout the proceedings, the trial court did not clearly err in finding that there is a reasonable likelihood that the children would suffer harm if returned to her care, thereby justifying termination of her parental rights under MCL 712A.19b(3)(j). *Id.* Although respondent-appellant testified at the termination hearing that she recognized the need to take her medication and would continue to take her medication on a daily basis, her past failure to follow through with treatment for any significant length of time shows that there is no reasonable likelihood that respondent-appellant would experience an appreciable change in her ability to effectively treat her mental illness to enable her to properly care for the children within a reasonable time.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Therefore, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ David H. Sawyer
/s/ Hilda R. Gage
/s/ Donald S. Owens