

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ZACHARY MICHAEL SMITH-FISHER, SAMANTHA MARIE SMITH-FISHER, JOSHUA RYAN SMITH-FISHER, JORDAN DALE SMITH-FISHER, SETH PATRICK FISHER, and TAYLOR MADISON FISHER,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LESLIE SUE KAYE FISHER, a/k/a LESLIE SUE-KAY FISHER,

Respondent-Appellant.

UNPUBLISHED
September 23, 2004

No. 252583
Wayne Circuit Court
Family Division
LC No. 00-389725

Before: Murphy, P.J., and O'Connell and Gage, JJ.

MEMORANDUM.

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

Ample evidence supported the trial court's determination that the statutory grounds had been established. The children were placed in foster care after respondent and the children's father admitted to abusing the children severely with belts. The parental rights of the father were eventually terminated and respondent was instructed that she could not regain custody of the children if she continued contact with him. However, respondent continued contact with the children's father and attempted to hide the contacts and to shift the blame to others. Respondent also suffers from bipolar disorder, which makes it difficult for her to parent the six children, many of whom have special needs, without becoming frustrated. Respondent's supervised visits with the children were reportedly chaotic, and respondent's frustrated swearing and shouting at the children only added to the visits' chaos. Although respondent made some efforts in this regard and complied with some aspects of the parent-agency agreement, she was never able to demonstrate that she could parent safely in an unsupervised setting. The trial court, therefore, did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Also, the termination was not contrary to the best interests of the children. Respondent has never demonstrated that she is willing to provide a home for the children absent the presence of the children's father. Given respondent's fragile mental health and the special needs of the children, it is unclear whether respondent will ever be able to parent the children safely. Therefore, termination of respondent's parental rights was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ William B. Murphy
/s/ Peter D. O'Connell
/s/ Hilda R. Gage