

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of BRYAN BISHOP MULLEN,  
Minor.

---

DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
November 21, 2006

Petitioner-Appellee,

v

AUDREY E. MULLEN,

Respondent-Appellant.

---

No. 269386  
Wayne Circuit Court  
Family Division  
LC No. 04-432565-NA

Before: White, P.J., and Zahra and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337, 344-345; 445 NW2d 161 (1989). The primary condition of adjudication was respondent's mental illness, which caused her homelessness, erratic and unpredictable behavior, and inability to independently provide Bryan with proper care, custody and safety. More than 182 days elapsed between the initial disposition and the termination hearing. Clear and convincing evidence showed that respondent had a continuing mental illness that would not be remedied within a reasonable time, that she resided with her mother, Sharon Green, in a loosely structured environment, and that even with psychiatric monitoring she had not become able to care for Bryan. Respondent had not executed releases for her Sinai Grace psychiatrist's records, but the evidence showed that her behavior remained unpredictable even when compliant with psychiatric services. Although respondent's medication had been adjusted a few months before the termination hearing, given the severe nature of respondent's mental illness there was no reasonable likelihood that it would be rectified or sufficiently mitigated to allow her to safely parent Bryan within a reasonable time.

Green desired to care for both respondent and Bryan. Green's situation was difficult and her dedication to her family was commendable, but clear and convincing evidence showed that

Green was not able to provide proper custody for Bryan within a reasonable time, either by means of a guardianship or adoption, because over the course of this twenty-month proceeding she refused to remove respondent from her home, was unable to ensure respondent's compliance with medication, was unable to prevent respondent's access to Bryan, and did not fully appreciate the harm that contact with respondent could cause Bryan. Bryan would likely suffer harm through contact with respondent if returned to Green's care.

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to Bryan's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Bryan was unable to safely return to Green's or respondent's care within a reasonable time, and termination of respondent's parental rights and the opportunity to enter a permanent adoptive home was not clearly contrary to his best interests.

Affirmed.

/s/ Helene N. White

/s/ Brian K. Zahra

/s/ Kirsten Frank Kelly