

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of GRACIE ROSALIE KREITZER,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JODY KREITZER and WADE KREITZER,

Respondents-Appellants.

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UNPUBLISHED  
February 12, 2009

No. 286049  
St. Joseph Circuit Court  
Family Division  
LC No. 07-000303-NA

Before: Talbot, P.J., and Bandstra and Gleicher, JJ.

MEMORANDUM.

Respondents appeal as of right the order terminating their parental rights to their minor child under MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination was proven by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003); *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000); MCR 3.977(J). This case began when respondents took the minor child to the emergency room because of respiratory distress, and a hospital staff member contacted protective services because the child was filthy, had mold growing in the folds of skin on her neck, and was grossly overweight. There was significant evidence presented regarding the minor child's critical and long-term special needs. The child needed therapy five days per week, as well as careful monitoring of her seizure and hormone disorders. The permanent shunt in the child's head made her very susceptible to respiratory infections and required that her home be clean and smoke-free. In addition, there was evidence that respondents' two other children had special needs of their own and would require a substantial amount of parental attention. Dr. Carter's cognitive assessments of respondents revealed deficits that could negatively affect their ability to make decisions regarding the minor child's care. With the exception of the occupational therapist, all experts and caseworkers testified that respondents were not ready to care for the minor child safely at the time of the termination hearing. Given the evidence of the minor child's special needs and the demands of having two other children in the home, as well as the uncertainty with respect to when, if ever, respondents would be ready to care for the minor child properly, we find no clear error in the trial court's finding that there was no reasonable expectation that respondents would be able to provide proper care or custody for the minor child within a reasonable time.

Once a statutory ground for termination of parental rights is established, the court must terminate parental rights unless it finds that termination of parental rights is clearly not in the child's best interests. MCL 712A.19b(5).<sup>1</sup> We find no clear error in the trial court's best interests determination. *In re Trejo, supra* at 356-357. The record contained substantial evidence that the child's special needs would not be met satisfactorily if she were returned to respondents' home. We recognize the evidence that respondents were committed to their family and worked hard to comply with petitioner's requests. The evidence leaves no doubt that respondents love their daughter and want to care for her. Nevertheless, after having carefully reviewed the record, we cannot say that the trial court clearly erred in affirmatively finding that termination of parental rights was in the minor child's best interests.<sup>2</sup>

We affirm.

/s/ Michael J. Talbot  
/s/ Richard A. Bandstra  
/s/ Elizabeth L. Gleicher

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<sup>1</sup> MCL 712A.19b(5) was amended, effective July 11, 2008, to require that, in order to terminate parental rights, a court must affirmatively find that termination is in children's best interests. However, because the order terminating respondents' parental rights was issued on June 3, 2008, the prior version of MCL 712A.19b(5), cited above, remains applicable to the determination whether termination of respondents' parental rights was appropriate in the instant case.

<sup>2</sup> Respondents note that MCL 712.19a was amended, effective July 1, 2008, to provide the trial court with the option of continuing the child's foster care placement and establishing a guardianship for her to allow an open relationship between respondents, the child and her siblings, which the trial court found may have offered additional benefits for the child. However, because respondents' parental rights were terminated on June 3, 2008, the amended statute cited by respondents is not applicable to this case.