

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ASHLEY MARIE BERGONIO  
MESSINGER, Minor.

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FAMILY INDEPENDENCE AGENCY,

Plaintiff-Appellee,

v

ANGELA MESSINGER,

Defendant-Appellant,

and

STEVEN PRATT,

Respondent.

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Before: Griffin, P.J., and Markman and Whitbeck, JJ.

PER CURIAM.

Respondent Angela Messinger appeals by delayed application granted from the juvenile court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The juvenile court did not clearly err in its findings of fact. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). There was clear and convincing evidence to support the statutory grounds for termination. The evidence demonstrated that respondent, without regard to intent, failed to provide proper care or custody for the child and there was no reasonable expectation she would be able to provide proper care and custody within a reasonable time considering the child's age. Furthermore, the conditions which led to the adjudication continued to exist and there was no reasonable likelihood that

they would be rectified within a reasonable time. MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g).

The evidence to support the statutory grounds for termination was not speculative. *In re Hulbert*, 186 Mich App 600; 465 NW2d 36 (1990). Respondent's reliance on *In re Bailey*, 125 Mich App 522; 336 NW2d 499 (1983), is misplaced. The statute has been modified twice since *Bailey* was released and no longer provides a ground for termination based on mental deficiency. Similarly, respondent's reliance on *In the Matter of Tedder*, 150 Mich App 688; 389 NW2d 149 (1986), is misplaced. *Tedder* is no longer applicable because the modified statute does not require culpable or blameworthy actions. Subsection 19b(3)(g) clearly states "without regard to intent."

Next, the juvenile court did not err in its decision that it would be in the child's best interests to terminate respondent's parental rights. There was no showing by respondent that termination would not be in the child's best interest. Absent this evidence, termination of parental rights was mandatory. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997).

Finally, respondent argues that because her neglect of the child was due to her mental illness, she should not be held culpable. This argument is without merit. The fact that respondent's mental illness might have prevented her from providing the proper care and custody does not preclude termination. Culpable neglect or blameworthiness is not required for termination of parental rights. *In re Jacobs*, 433 Mich 24, 36-37; 444 NW2d 789 (1989). Respondent's parental rights were terminated pursuant to §§ 19b(3)(c)(i) and (g), neither of which require a showing of culpability.

Affirmed.

/s/ Richard Allen Griffin

/s/ Stephen J. Markman

/s/ William C. Whitbeck