

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PATRICIA DEWITT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE DEWITT,

Respondent-Appellant,

and

JEREMY STREETER,

Respondent.

UNPUBLISHED
February 15, 2005

No. 257448
Kent Circuit Court
Family Division
LC No. 03-014501-NA

Before: Fort Hood, P.J., and Griffin and Donofrio, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Petitioner initiated this action because respondent-appellant lacked basic parenting skills and was unable to protect her daughter. The evidence showed that respondent-appellant's circumstances at the time of the permanent custody hearing were essentially unchanged from the time the child was taken into custody. Respondent-appellant failed to participate in and benefit from the services offered. Respondent-appellant asserts that in light of her diagnosed bipolar disorder she should have been afforded additional time and assistance. We disagree. Petitioner is required to make reasonable efforts toward reunification. MCL 712A.18f. The evidence established that the FIA more than complied with this obligation. Furthermore, respondent-appellant's position is without merit considering she voluntarily discontinued and/or failed to comply with the course of treatment for the disorder.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly contrary to the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612

NW2d 407 (2000). The only evidence respondent-appellant relies upon in support of her contention that termination would not be in the child's best interest is her claim that she showed signs of some very minor improvement during visits and there existed a bond. Even if true, these limited factors should not be elevated to such significance that it compels one to ignore the serious risk of injury that would exist if the child were returned to respondent-appellant's care. Such a result would completely nullify the protection offered by the statutory provisions permitting termination of parental rights.

Although the minor child was developmentally on course, she still had significant medical needs related to breathing and feeding problems. Because of these conditions, the child was frequently seen by several medical specialists. Respondent-appellant, because of her mental instability, was barely able to care for herself let alone meet the medical needs of her child. We affirm the trial court because the evidence failed to establish that termination was clearly not in the child's best interests.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Richard Allen Griffin
/s/ Pat M. Donofrio