

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 16, 2010

In the Matter of K. A. SHERLEY, Minor.

No. 298160
Wayne Circuit Court
Family Division
LC No. 08-477013

Before: JANSEN, P.J., and SAWYER and O'CONNELL, JJ.

PER CURIAM.

Respondent appeals as of right the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent suffers from bipolar disorder. In February 2008, her child was removed from her care after respondent cut her own wrist. Respondent, who was then homeless, voluntarily placed the child in foster care while she sought psychiatric care. In the following 22 months, respondent complied with her agreement with the agency and participated in the services provided to her. After moving to a residential mental health program, respondent's condition improved to the extent that the child was returned to her care. Less than three weeks after the child was returned to her care, respondent suffered another emotional breakdown. Workers at the residential program where she had been living with the child reported that respondent had locked herself in her apartment and had again threatened to harm herself. After the breakdown, respondent concluded that she could not address both her own mental health needs and those of the child, who was exhibiting difficult and troubling behavior. Respondent asked that the child again be placed in foster care. Respondent then left the residential program and stopped participating in services. The trial court thereafter terminated respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).

¹ Respondent additionally challenges the termination of her rights under MCL 712A.19b(3)(c)(ii). However, the record is not clear that her rights were terminated under this subsection, and analysis of that section is unnecessary to the resolution of this appeal.

Respondent contends that the trial court erred in finding that clear and convincing evidence supported termination under the statutory provisions. We disagree. The record supports termination of respondent's parental rights under subsection (3)(c)(i) because the conditions that caused the child to come within the jurisdiction of the court continued to exist, and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the age of the child. Though respondent had willingly complied with services, at the time of termination respondent's bipolar condition was not controlled sufficiently to enable her to care for a child, and respondent had ceased to participate in mental health services. For the same reasons, the record also supports the trial court's determination that termination was warranted under subsections (3)(g) and (3)(j), given that respondent was unable due to her precarious mental health to provide proper care for the child, and her actions would place any child in her care at risk for harm. We further find no error in the trial court's finding that termination was in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Affirmed.

/s/ Kathleen Jansen
/s/ David H. Sawyer
/s/ Peter D. O'Connell