

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 20, 2015

In re C. A. STARKEY, Minor.

No. 326980
Wayne Circuit Court
Family Division
LC No. 14-518537-NA

Before: METER, P.J., and WILDER and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals as of right a circuit court order terminating her parental rights to a minor child pursuant to MCL 712A.19b(3)(l). We affirm.

Respondent does not dispute the trial court's finding regarding the existence of a statutory basis for termination under § 19b(3)(l). She disputes only the trial court's findings regarding the child's best interests. MCL 712A.19b(5). Whether termination of parental rights is in the child's best interests is determined by a preponderance of the evidence. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). We review the trial court's decision for clear error. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014); MCR 3.977(K).

Respondent had three other children who became court wards due to respondent's serious mental illness. Respondent failed to comply with reunification services and her parental rights to two of those children were terminated. Although respondent's condition was serious enough that she "talk[ed] [about] killing herself," respondent admitted that she was not receiving mental health treatment when the child at issue in the present case was born, and he too became a court ward. Although respondent voluntarily sought counseling, she had attended only a handful of sessions. Further, she denied that she continued to have a mental health condition that required treatment and said that she was seeing a therapist to "better" herself but not for mental health issues. She also falsified a therapy progress report to try to make it seem more favorable. The trial court did not clearly err in finding that respondent minimized the significance of the prior termination decision and the seriousness of her mental illness, which affected her ability to care for the child, and thus was not likely to benefit from further services. Given the evidence, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Patrick M. Meter

/s/ Kurtis T. Wilder

/s/ Amy Ronayne Krause