

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of M. K. MUJIB, Minor.

UNPUBLISHED  
April 29, 2014

No. 317642  
Wayne Circuit Court  
Family Division  
LC No. 10-494568-NA

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Before: DONOFRIO, P.J., and CAVANAGH and JANSEN, JJ.

PER CURIAM.

Respondent A. Mujib appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3).<sup>1</sup> We affirm.

Respondent's sole argument on appeal is that the trial court erred by finding that termination of her parental rights was in the child's best interests. We disagree.

"If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5). Whether termination 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 for clear error the trial court's decision regarding the child's best interests. MCR 3.977(K).

As an initial matter, we reject respondent's argument that termination of her parental rights violated her due process rights. "[P]arents have a significant interest in the companionship, care, custody, and management of their children. This interest has been characterized as an element of 'liberty' to be protected by due process." *In re Brock*, 442 Mich 101, 109; 499 NW2d 752 (1993). But once the petitioner presents clear and convincing evidence of a basis for termination under MCL 712A.19b(3), the respondent's liberty interest in the custody and control of her child gives way to the state's interest in protecting the child. *In re*

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<sup>1</sup> On appeal, respondent does not challenge the trial court's findings with respect to the specific statutory grounds for termination. She argues only that termination of her parental rights was not in the child's best interests.

*Trejo*, 462 Mich 341, 355-356; 612 NW2d 407 (2000). Respondent did not dispute in the trial court, and does not dispute on appeal, that a statutory ground for termination of her parental rights existed. At a minimum, her admissions established a basis for termination under § 19b(3)(l). See *In re Jones*, 286 Mich App 126, 128; 777 NW2d 728 (2009).

The trial court did not clearly err by finding that termination of respondent's parental rights was in the child's best interests. Respondent had a serious mental illness that interfered with her parenting ability. She had recently accepted her need for medication to control the symptoms of her illness, but had only been on medication for a few months and her compliance was monitored in the adult foster-care home where she resided. However, she planned to leave that home and live on her own, and admitted that her compliance could not be assured without extensive family and community support. Even with medication, respondent's parenting ability was inconsistent and she did not exhibit much empathy for the child.

The trial court properly considered the child's placement with a relative, see *In re Mason*, 486 Mich 142, 164; 782 NW2d 747 (2010); *In re Olive/Metts*, 297 Mich App 35, 43; 823 NW2d 144 (2012), but found that termination was nonetheless in the child's best interests based on the child's need for permanency and respondent's parental shortcomings due to her mental illness.

There is no basis for respondent's claim that the trial court discriminated against her because of her mental illness. To the contrary, respondent's mental illness was an appropriate factor to consider in determining whether termination was in the child's best interests, *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001), especially because it interfered with respondent's parenting ability and was a significant factor in the termination of her parental rights to her other children. Robert Geiger, the psychologist who evaluated respondent, noted that while respondent's mental stability had improved since she began taking medication, her parenting skills were still inconsistent. He opined that respondent "will likely always have difficulty empathizing with the feelings and needs of [the child]." Although respondent challenges some of Geiger's opinions, this Court defers to the trial court regarding the weight and credibility of the evidence. *Drew v Cass Co*, 299 Mich App 495, 501-502; 830 NW2d 832 (2013). The trial court did not clearly err by accepting Geiger's report, which respondent did not present any evidence to counter, or by concluding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Mark J. Cavanagh  
/s/ Kathleen Jansen