

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
May 12, 2011

In the Matter of EDWARDS, Minors.

No. 300327  
Wayne Circuit Court  
Family Division  
LC No. 09-484317

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Before: SAAD, P.J., and JANSEN and K. F. KELLY, JJ.

PER CURIAM.

Respondent mother appeals as of right from the trial court's order terminating her parental rights to her two children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the children. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The trial court's decision to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i) was not clearly erroneous. The evidence indicates that the conditions that led to the initial adjudication of the children continued to exist at the termination hearing and there was no reasonable likelihood that the conditions would be rectified. MCL 712A.19b(3)(c)(i). The children were placed in the court's temporary custody after they were found living with respondent in a trash-filled van with little water, food, or heat. The children informed protective services that they had been living in the van for two years, had not attended school in a year, went to the bathroom in a bucket, and feared respondent. Petitioner was concerned that respondent had undiagnosed mental health issues.

Petitioner provided a parent-agency agreement for respondent requiring her to participate in individual therapy; complete psychological and psychiatric evaluations and comply with recommendations; complete parenting classes; participate in a Clinic for Child Study evaluation; maintain safe, suitable housing; secure a legal source of income; maintain contact with the worker; and attend weekly visits with the children.

Respondent participated in the required evaluations and was diagnosed as a paranoid schizophrenic, suffering from paranoid delusions and disorganized speech. Her psychological and psychiatric evaluations each concluded that before the children could be placed back in her care, respondent had to address her substantial mental health issues by participating in treatment with a psychiatrist and taking antipsychotic medication. During the 17 months the children were in the court's temporary custody, respondent never participated in psychiatric services and she never took medication to treat her illness. In fact, she denied the need to see a psychiatrist or to take medication. The updated psychiatric evaluation completed less than a month before the termination hearing concluded that respondent "clearly has delusional, paranoid and psychotic thinking that could place herself and her children in jeopardy" and that "[t]he extensive, complex nature of her paranoid delusions could adversely affect the growth and development of her two children if they are reunited before her symptoms have been aggressively treated." In light of respondent's lack of progress, the evaluation recommended against reunification.

Although respondent completed many other aspects of her parent-agency agreement, her failure to address her mental health issues was a significant barrier to her reunification with the children. The children's caseworker testified that while respondent consistently visited the children for supervised visits and was affectionate, she sometimes exhibited very bizarre behavior. The children asked to end their visits with respondent and told caseworkers that they feared returning to her care. The evidence indicates that the conditions that led to the placement of the children in temporary custody had not been ameliorated.

Moreover, the trial court did not err in its best interest determination. The evidence showed that termination of respondent's parental rights was in the children's best interests. Respondent's inability to treat her mental health impairments made it impossible for her to adequately care for her children and provide them with much needed stability and support. Accordingly, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Henry William Saad

/s/ Kathleen Jansen

/s/ Kirsten Frank Kelly