

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 21, 2011

In the Matter of B. SMEESTER, Minor.

No. 301856
Dickinson Circuit Court
Family Division
LC No. 08-000518-NA

Before: TALBOT, P.J., and GLEICHER and M. J. KELLY, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). Because we conclude that there were no errors warranting relief, we affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); MCR 3.977(H) and (K). Respondent was unable to exercise any parental authority over the child, who had mental health issues and was illiterate at age ten. The child was placed in a residential treatment facility that worked with him and respondent, and petitioner provided additional services to respondent. When the child returned home a year later, respondent was still unable to assert parental authority over him and he was again removed from the home for his own well-being, yet respondent thought everything went well and attributed all the problems to the in-home service providers assigned to work with her and the child. When the child was transferred to another residential facility in Wisconsin, respondent did not relocate to that state to enable her to continue to work with the child, but instead moved to Ohio in an apparent attempt to end court intervention. Considering that respondent had been unable to improve her parenting after more than a year and appeared not to recognize the problems that existed, the trial court did not clearly err in finding that the condition that led to the adjudication had not been rectified, and that respondent was not reasonably likely to be able to rectify the condition or provide proper care and custody within a reasonable time given the child's age.

Further, considering respondent's inability to exercise parental authority over the child and the child's need for a stable and highly structured environment that respondent was not able to provide, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); MCR 3.977(H)(3)(b).

The trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Michael J. Talbot
/s/ Elizabeth L. Gleicher
/s/ Michael J. Kelly