

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIA WILLIAMS and OCTAVIA
BROWN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CORINA IRVING,

Respondent-Appellant,

and

DELBERT WILLIAMS and MICHAEL BROWN,

Respondents.

UNPUBLISHED
February 1, 2005

No. 256353
Kent Circuit Court
Family Division
LC No. 01-074200-NA

Before: Zahra, P.J., and Neff and Cooper, JJ.

MEMORANDUM.

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

The trial court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1998). The principal conditions leading to the adjudication were respondent-appellant's hospitalization for mental illness and subsequent failure to appropriately address her mental health, and her failure to properly care for the children, as evidenced by the fact that Tia, then six, got herself up and ready for school and was given an alarm clock by the school for this purpose, and by respondent-appellant driving unsafely under the influence of medication with the children in the car. Despite an extensive psychiatric history, respondent-appellant adamantly maintained throughout these proceedings that she did not need any mental health treatment and refused to participate in a psychiatric examination ordered by the court or to receive psychiatric case management services. Respondent-appellant also adamantly denied any substance abuse, yet appeared intoxicated for a visit with the children and on two other occasions was perceived by service providers to have been using alcohol. In view of testimony that

respondent-appellant's previous psychosis may have been related to substance abuse, we conclude that her failure to address substance abuse constituted a failure to appropriately address mental health issues.

Similarly, respondent-appellant's refusal to address her own history of childhood abuse also constitutes failure to address mental health issues, since respondent-appellant identified her own past abuse as a key dynamic in her emotional breakdown. In short, while the exact nature of respondent-appellant's diagnosis remained unclear, the trial court was clearly justified in concluding that she had serious mental health issues, which she continued to fail to address. Respondent-appellant's denial of problems of any kind indicates no reasonable likelihood that she will rectify this condition in the reasonable future and thus be able to provide proper care and custody for the children.

Furthermore, the trial court properly found that termination was not clearly contrary to the best interests of the children. MCL 712A.19b(5). At the time of the termination trial, the children had been out of respondent-appellant's care for approximately two years. The children are now in need of permanency.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Jessica R. Cooper