

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HEAVEN BAILEY-MOSLEY,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARGO BAILEY-MOSLEY,

Respondent-Appellant,

and

CARLOS ANDERSON,

Respondent.

UNPUBLISHED

April 24, 2007

No. 273838

Muskegon Circuit Court

Family Division

LC No. 04-032871-NA

Before: Cavanagh, P.J., and Jansen and Borrello, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order that terminated her parental rights to the minor child pursuant to MCL 712A.19b(3)(I).¹ For the reasons set forth in this opinion we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent gave birth to the minor child on May 23, 2006. The following day, an order to take the child into protective custody was issued and, on June 8, 2006, a petition seeking the termination of respondent's parental rights was authorized. The petition's specific allegations were that respondent had: (1) an extensive history of mental illness involving schizoaffective disorder and posttraumatic stress disorder; (2) a history of substance abuse issues; (3) her parental rights to two other children were terminated in the State of Mississippi due to severe

¹ The parental rights of the child's putative father, Carlos Anderson, were not terminated in this order. He is not involved in this appeal and all references in this opinion to respondent apply to Margo Bailey-Mosley.

physical abuse inflicted upon the infant children by respondent and (4) her parental rights to another child, Stefan Mosley (d/o/b 2/23/04), were terminated in Muskegon County Family Court.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been established by clear and convincing evidence. *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2002). This Court reviews that finding under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). In this case, respondent admitted her parental rights to three other children had been terminated in prior proceedings based on either respondent's physical abuse or mental illness. Therefore, the trial court did not clearly err when it found clear and convincing evidence established the statutory basis set forth in MCL 712A.19b(3)(l).²

The trial court also did not clearly err when it found termination of respondent's parental rights was not clearly against the child's best interests. MCL 712A.19b(5). Respondent admittedly had spent only two days with the child while in the hospital and, although her loving feelings for the child were certainly real and permanent; the time they shared was too fleeting to allow the formation of a strong bond. In addition, the improvements in her personal life were relatively new and untested. Evidence established that respondent's management of her mental illness had significantly improved in just the past ten months, with one witness stating there had been a marked difference in the past few months especially. In addition, respondent had only been in individual therapy for six weeks. Finally, although respondent reportedly had not drunk alcohol in 16 months or used cocaine in six years, there was a possibility she had used marijuana eight months ago, which raised the specter of a possible relapse since the horrific abuse inflicted upon the two oldest children occurred when respondent was using illicit substances and not taking medications. Given the lack of a strong bond and the possible risk to the child should respondent's improvements not continue, the trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Stephen L. Borrello

² Respondent argues that "prior attempts to rehabilitate her" had been successful, which is an apparent reference to MCL 712A.19b(3)(i), another possible statutory ground for termination. However, that statutory ground was inapplicable in this case since no evidence demonstrated that respondent's physical abuse of her two daughters had been chronic (although it was undoubtedly serious).