

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KALIBE AUSTIN MAZZOLA,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMANDA MAZZOLA,

Respondent-Appellant,

and

BRANDON LOOK,

Respondent.

UNPUBLISHED

December 10, 2009

No. 292047

Bay Circuit Court

Family Division

LC No. 07-009903-NA

Before: Beckering, P.J., and Cavanagh and M. J. Kelly, JJ.

MEMORANDUM.

Respondent Amanda Mazzola appeals as of right the circuit 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 both statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The evidence showed that respondent remained unable to provide proper care and custody despite receiving rehabilitative services for more than a year, during which she failed to consistently abstain from substance abuse. Although there was no evidence of alcohol abuse after October 2008, respondent began abusing over-the-counter cold medications until that abuse was detected, and then subsequently attempted to self-medicate by increasing her dosage of prescription psychotropic medication without her psychiatrist's authorization. Respondent also failed to resolve the psychological problems underlying her maladaptive behavior. At the time of the termination hearing, she also had no housing, and relied on friends or homeless shelters for lodging. The trial court did not clearly err in finding that respondent's continued instability and substance abuse issues prevented her from attending

to the child's ordinary childhood needs and his special medical needs, and that there was no reasonable expectation that she would be able to do so within a reasonable time.

Also, considering that respondent was not in a position to adequately address the child's special medical needs in light of her history of substance abuse, mental illness, exposure to domestic violence, and homelessness, 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); *In re Trejo*, 462 Mich at 356-357.

Affirmed.

/s/ Jane M. Beckering

/s/ Mark J. Cavanagh

/s/ Michael J. Kelly