

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 7, 2011

In the Matter of C. JONES, Minor.

No. 299959
Berrien Circuit Court
Family Division
LC No. 2010-000053-NA

Before: OWENS, P.J., and O'CONNELL and METER, JJ.

PER CURIAM.

Respondent appeals as of right from the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

Respondent contends that the trial court clearly erred in finding that clear and convincing evidence supported termination under the statutory provisions. See *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We disagree. The record indicates that respondent has mental deficits and has previously had parental rights to three other children terminated. In the cases involving those three children, from 2007 through 2009, petitioner devoted extensive resources to the family, including in-home services, a psychological evaluation, and parenting classes. In one of the cases, when the psychological evaluation and respondent's lack of progress indicated that respondent would never be able to parent independently, petitioner worked to put a support system in place to allow respondent to parent the children with supervision, to ensure the safety of the children. For example, the pastor at respondent's church agreed to check with respondent daily, as did two of respondent's neighbors. Respondent eventually ended her cooperation with petitioner, however, and alienated the support system petitioner sought to put in place, leaving her again to attempt to parent on her own.

After respondent's parental rights to the three earlier children were terminated,¹ the child in this case was born in 2010. Respondent had not obtained appropriate housing until the day she brought the child home from the hospital and did not have sufficient supplies for the child. Although this was her fourth child, and although respondent had participated in parenting

¹ The rights to two children born in May 2007 were terminated in January 2009, and the rights to the third child, born in March 2009, were terminated in September 2009.

classes, respondent needed to be instructed on even the basics of child care, such as how to hold and feed the baby. Although respondent was able to learn rote tasks, she was unable to vary them or adapt instructions to other situations. The record indicates that respondent is mentally disabled and not able to understand adequately the needs of a child. Moreover, respondent grew hostile toward petitioner, insisted that she was an excellent parent and needed no assistance, and testified that she was unwilling to accept any support system that petitioner would put into place.

In light of the extensive record demonstrating respondent's unfitness as a parent, it cannot be said that the trial court clearly erred in determining that clear and convincing evidence supported termination under subsections (3)(g), (i), and (j). *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Indeed, the record shows that (a) respondent failed to provide proper care or custody for the child and was not likely to do so within a reasonable time, (b) respondent had had her parental rights to other children terminated and had not been rehabilitated, and (c) the child, based on respondent's conduct or capacity, would likely be harmed if returned to her care. Given the evidence, we also find no error in the trial court's finding that termination was in the best interests of the child. *Id.*; MCL 712A.19b(5).

Affirmed.

/s/ Donald S. Owens
/s/ Peter D. O'Connell
/s/ Patrick M. Meter