

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of JERSHONNA WHITE, Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SONDRA EDWARDS,

Respondent-Appellant,

and

JERDELL WHITE,

Respondent.

---

UNPUBLISHED

July 25, 2006

No. 267510

Berrien Circuit Court

Family Division

LC No. 2005-000079-NA

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

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(l). We affirm.

On appeal, respondent-appellant challenges only the trial court's best interests determination. The trial court did not clearly err in finding that the evidence did not show that termination of respondent-appellant's parental rights was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent-appellant's parental rights to this newborn child were terminated at the initial disposition pursuant to MCL 712A.19b(3)(l) after clear and convincing legally admissible evidence showed that her parental rights to seven other children had been terminated in December 2003. Respondent-appellant does not contest the finding that the statutory ground for termination was established but argues that the trial court erred in its best interests finding because the evidence showed that she substantially complied with all services during this five-month proceeding, her counselor testified that she was currently able to appropriately parent this child, and her counselor was certain that she would maintain compliance with services.

The trial court based its best interests finding on respondent-appellant's 17-year history of protective services involvement, her continual swing between compliance and noncompliance with numerous services and failure to benefit, and the fact that reunification with her three oldest children and a "second chance" with her seventh infant had failed. The evidence relied upon by the trial court outweighed the fact that respondent-appellant was currently compliant with services and the evidence presented by her counselor. The trial court was required to look beyond respondent-appellant's current situation and consider her long-term ability to parent. Given that the nearly identical opportunity to parent her seventh newborn had failed, and the virtual certainty based upon her intellectual capacity that respondent-appellant would not significantly benefit from services despite her current compliance and would not maintain consistent compliance over the long term, the trial court did not err in determining that refraining from terminating respondent-appellant's parental rights was not in the minor child's best interests.

Affirmed.

/s/ Janet T. Neff  
/s/ Richard A. Bandstra  
/s/ Brian K. Zahra