STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JESSICA ANN GLEASON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner -Appellee,

v

ANGELA VOSE,

Respondent-Appellant.

UNPUBLISHED
June 26, 2001

No. 232432
Branch Circuit Court
Family Division
LC No. 99-001282-NA

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TORY GLEASON,

Respondent-Appellant.

No. 232469
Branch Circuit Court
Family Division
LC No. 99-001282-NA

Before: Hood, P.J., and Whitbeck and Meter, JJ.

PER CURIAM.

Respondent Angela Vose appeals by right and respondent Tory Gleason appeals by leave granted from the family court's order terminating their parental rights to their minor child under MCL 712A.19b(3)(g) ("[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age").

This Court reviews for clear error a family court's finding that a statutory basis for termination has been met. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once a statutory basis has been proven by clear and convincing evidence, the

court must terminate parental rights unless the court finds that termination is clearly not in the best interests of the child. *Trejo*, supra at 344, 355. A court's finding on the best interests prong is also reviewed by this Court for clear error. *Id*. at 356-357, 365.

Vose contends that because she and the child enjoyed a strong bond, termination was clearly not in the child's best interests. Vose argues that instead of terminating her parental rights, the court instead should have explored a guardianship plan. This argument is without merit. First, the following amply supported the family court's decision that a statutory basis for termination existed with respect to Vose: (1) the testimony by a children's services worker, Rebecca Stoll, that respondents were intellectually limited; (2) Stoll's testimony that Vose had difficulty retaining information given by service providers; (3) Vose's admission that she drove recklessly with the child in the car, even after the completion of anger-management therapy; (4) the testimony by another children's services worker, Shelly Snow, that Vose had a difficult time retaining information regarding child care; (5) Snow's testimony that there was insufficient food in Vose's and Gleason's apartment during a home visit and that respondents had dressed the child improperly; (6) Snow's testimony that Vose did not have the ability to care for the child without the supervision and guidance of others; (7) Snow's testimony that respondents quit the Building Strong Families program because they thought they knew everything they needed to know about parenting; (8) Snow's testimony that it was in the child's best interests to terminate respondents' parental rights; (9) the testimony by Gleason's aunt, Rosemary Weller, that respondents "had limitations;" and (10) Weller's testimony that Vose would not be able to deal on her own with an emergency situation involving the child. This evidence showed that Vose, without regard to intent, could not provide proper care for the child and would not be able to do so in a reasonable amount of time. Accordingly, the family court did not clearly err in ruling that termination was warranted under MCL 712A.19b(3)(g).

Moreover, Vose's argument regarding the possibility of a guardianship is unavailing. Indeed, it cannot be said that the family court *clearly erred* in ruling that the child needed stability and qualified parents and that therefore termination of respondents' parental rights was in the child's best interests.

Gleason contends that the evidence did not support a statutory basis for termination because respondents demonstrated that they could properly care for the child. This argument is similarly without merit. Indeed, the following amply supported the family court's decision that a statutory basis for termination existed with respect to Gleason: (1) Stoll's testimony that respondents were intellectually limited; (2) Gleason's admission that he frightened his therapist with his anger during a counseling session; (3) Gleason's testimony that he would have no concerns about leaving the child alone with Vose, despite other witnesses' testimony regarding Vose's parental incompetence; (4) Gleason's testimony that he used a lot of alcohol and drugs after the child's birth; (5) Gleason's testimony that after the completion of anger-management therapy, he nearly hit a man during an altercation, while the child was in the house; (6) Vose's testimony that the child had to be removed from the house one day because she and Gleason were fighting; (7) Snow's testimony that there was insufficient food in Vose's and Gleason's apartment during a home visit and that respondents had dressed Jessica improperly; (8) Snow's testimony that Gleason "need[ed] assistance . . . [with] decision making regarding safety issues and care other than some of the basic things;" (9) Snow's testimony that respondents quit the

Building Strong Families program because they thought they knew everything they needed to know about parenting; (10) Snow's testimony that it was in the child's best interests to terminate respondents' parental rights; (11) Weller's testimony that respondents "had limitations;" (12) Weller's testimony that Gleason was "hot tempered" and "short circuited;" and (13) Weller's admission that she had concerns about Gleason's ability to properly respond to an emergency situation involving the child. This evidence showed that Gleason, without regard to intent, could not provide proper care for the child and would not be able to do so in a reasonable amount of time. Accordingly, the family court did not clearly err in ruling that termination was warranted under MCL 712A.19b(3)(g).[1]

Affirmed.

/s/ Harold Hood
/s/ William C. Whitbeck
/s/ Patrick M. Meter

[1] Although Gleason does not address the best interests prong of the court's decision, we nonetheless note that the court did not clearly err in ruling that termination was in the best interests of the child.