

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of Z.J.B.L., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RUTH BROWN,

Respondent-Appellant.

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UNPUBLISHED

September 17, 2002

No. 238916

Gladwin Circuit Court

Family Division

LC No. 01-000132-NA

Before: Whitbeck, C.J., and Sawyer and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(g) and (j).<sup>1</sup> We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. The evidence showed that respondent was developmentally disabled and unable to live independently. A payee received respondent's disability income to ensure that respondent's living expenses were paid and that respondent had adequate funds to purchase food. No evidence indicated that this arrangement could change at any time in the foreseeable future. Respondent received numerous services both before and after the child's

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<sup>1</sup> Non-participating respondent David Lash, the child's father, voluntarily relinquished his parental rights to the child.

birth; however, all witnesses save one opined that respondent had not benefited from the services. No witness testified that respondent could reasonably be expected to develop adequate parenting skills within a reasonable time considering the child's age.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent could not provide proper care or custody and could not reasonably be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely the child would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ William C. Whitbeck  
/s/ David H. Sawyer  
/s/ Kirsten Frank Kelly