

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAMIAN STEVENS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

ANGEL FARR,

Respondent-Appellant,

and

MALCOLM GUYTON,

Respondent.

UNPUBLISHED

June 8, 2004

No. 252862

Kent Circuit Court

Family Division

LC No. 02-260401-NA

Before: Markey, P.J., and Wilder and Meter, 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)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal condition that led to adjudication was respondent-appellant's lack of parenting skills and inability to provide safe and competent care for the minor child without the ongoing support of an adult caregiver. The record clearly indicates that the essential impediment to progress for respondent-appellant is her intellectual functioning, which is in the mildly retarded/borderline range. Testimony indicated that respondent-appellant appeared unable to assimilate or apply the information taught in the three parenting courses she has taken. Her ability to keep the minor child safe during supervised visits showed no improvement during the course of this matter, and respondent-appellant did not progress beyond supervised visits. Her parenting skills and understanding of child development remain limited. A psychological evaluation completed shortly before the termination trial indicated that respondent-appellant is unlikely to benefit from further parenting education in the near future. Although respondent-appellant asserts on appeal that she will have the support of extended family in caring for the minor child, respondent-appellant's mother, whom she lived with at the

time of the termination trial, currently had two minor children, respondent-appellant's siblings, removed from her own care. Given this evidence, the trial court did not clearly err by terminating respondent-appellant's parental rights under MCL 712A.19b(3)(c)(i). We conclude that termination under statutory subsection (g) was also supported by the evidence. Respondent-appellant's placing the minor child at risk of physical harm despite repeated interventions and reminders clearly constitutes a failure to provide proper care and custody, and the evidence already noted also supports the trial court's conclusion that she will not be able to provide proper care and custody for the minor child in the reasonable future.

Finally, the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the minor child. MCL 712A.19b(5). The evidence at trial indicated that Damian has done extremely well in his placement with a relative. He is a happy, contented child and is developmentally on target. At the time of termination, the minor child was two years old and respondent-appellant clearly remained unable to care for him at that time or in the reasonable future. We concur with the trial court that further delay of permanency for the minor child is not in his best interests.

Affirmed.

/s/ Jane E. Markey
/s/ Kurtis T. Wilder
/s/ Patrick M. Meter