

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGEL MIKA THOMAS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHERYCE RENEE THOMAS,

Respondent-Appellant.

UNPUBLISHED

December 18, 2007

No. 278782

Wayne Circuit Court

Family Division

LC No. 00-392002-NA

Before: Murray, P.J., and Hoekstra and Wilder, JJ.

PER CURIAM.

Respondent appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). 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 Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent failed to obtain and maintain suitable housing for the child. Additionally, despite attending parenting classes and counseling, she failed to demonstrate adequate parenting abilities during supervised visitation. She also has a past history of neglecting her children's basic and medical needs, which led to the termination of her parental rights to five other children in 2002. A parent's treatment of one child is probative of how that parent will treat another. *In re Powers*, 208 Mich App 582, 588-589; 528 NW2d 799 (1995). Respondent's low intelligence and dysfunctional lifestyle render her unable to provide for a child's basic needs, especially one with special medical and developmental needs as the child in this case. Therefore, termination was appropriate under §§ 19b(3)(c)(i), (g), and (j).

Respondent also argues that the trial court erred in denying her request for appointment of a guardian ad litem. MCR 3.916(A) provides that the trial court "may appoint a guardian ad litem for a party if the court finds that the welfare of the party requires it." The use of the term "may" signifies a discretionary provision; therefore, we review the trial court's decision for an abuse of discretion. *Mollett v City of Taylor*, 197 Mich App 328, 339; 494 NW2d 832 (1992); *In re Humphrey Estate*, 141 Mich App 412, 423; 367 NW2d 873 (1985). Although respondent asserts that a guardian ad litem could have assisted her in participating in services, she did not request a guardian ad litem until the day of the termination hearing. A guardian ad litem would

not have been a benefit at that late stage. Additionally, respondent's counsel had previously advised the trial court that respondent did not require a guardian ad litem. Respondent also asserts that a guardian ad litem was necessary because she did not understand the proceedings. However, respondent was represented by counsel, and her testimony at the termination hearing reflects that she understood the nature of the proceedings and the evidence against her. Under these circumstances, the trial court did not abuse its discretion in denying respondent's untimely request for a guardian ad litem.

There is no merit to respondent's challenge to the trial court's best interests determination. Once the trial court finds a statutory basis for termination, it must order termination of parental rights unless termination is clearly not in the child's best interests. MCL 712A.19b(5), *In re Trejo*, *supra* at 353. This Court reviews the best interests decision for clear error. *Id.* at 356-357. Respondent concedes that termination was not contrary to the child's best interests, but argues that termination was not warranted because the trial court failed to appoint a guardian ad litem and also failed to comply with MCL 712A.18f(6). As previously indicated, the trial court did not abuse its discretion by failing to appoint a guardian ad litem. Nor was there any basis for appointing a guardian under MCL 700.5306, inasmuch as this was not a proceeding for appointment of a guardian for an incapacitated person. Finally, MCL 712A.18f(6) provides that a physician must review a case service plan if a child is diagnosed with failure to thrive, Munchausen syndrome by proxy, shaken baby syndrome, drug exposure, or a bone fracture caused by abuse or neglect. Because the child in this case was not diagnosed with any of these conditions, MCL 712A.18f(6) does not apply.

Affirmed.

/s/ Christopher M. Murray

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder