

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ASHLEY ANN WELSH, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LAURI ANN WELSH,

Respondent-Appellant.

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UNPUBLISHED

January 8, 2008

No. 277258

Oakland Circuit Court

Family Division

LC No. 03-683994-NA

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

PER CURIAM.

Respondent appeals as of right the order of the trial court terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

**I. FACTS**

On January 29, 2007, respondent had her parental rights terminated as to Ashley Ann Welsh (born September 26, 2005). In February 2005, respondent had her parental rights terminated as to Angela Welsh. Angela was removed from respondent's care after respondent was twice convicted of operating a vehicle under the influence of intoxicants while Angela was in the car. In this earlier case, respondent had demonstrated signs of mental or emotional instability and had failed to parent appropriately during visits with Angela. Also, Angela's developmental and speech problems began to improve when she was removed from respondent's care.

At the time of Ashley's birth, respondent was on probation for her earlier convictions, and she was receiving benefits from Easter Seals due to mental health issues. At trial, it was recognized that respondent had partially complied with a parent-agency agreement concerning Ashley. Lenora Goodman, a foster care worker testified that, although respondent had maintained employment, obtained housing, and completed parenting classes, she had not complied with the remainder of the parent-agency agreement. Respondent completed parenting classes, but she had not appeared to learn proper disciplinary techniques or safety information from the classes. She cancelled numerous visits that were scheduled with the infant mental health provider who was supposed to assist her, and she regularly missed visits with the child and explained that she had other things to do. Ms. Goodman also noted that the child had been

assessed to have special needs, and she doubted that respondent would be able to parent the child. Respondent was fired from McDonalds twice because of poor attendance and a cash shortage, but she nonetheless was employed almost continually, even though her low income continued to present financial problems. Respondent testified that she attended AA almost daily, and that she had not had any alcohol since August 31, 2003. Also, respondent had taken several drug screens that were negative.

Jonathan D. Faulk, a clinical psychologist, testified that he had evaluated respondent in March 2006. He explained that respondent had the cognitive abilities of a seventh or eighth grader, but that would not necessarily hinder her parenting ability. Tests also indicated that respondent was somewhat emotionally and socially unstable and immature. Dr. Faulk opined that respondent was not incapacitated, but she would need the support of various services to adequately parent the developmentally delayed Ashley.

## II. BEST INTERESTS OF THE CHILD

### A. Standard of Review

If the trial court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

### B. Analysis

Respondent does not argue that the trial court clearly erred in finding that the statutory grounds for termination were established. Instead, she challenges only the trial court's determination that termination was not contrary to the best interests of the child under MCL 712A.19b(5).

The trial court did not clearly err in its best interests determination. MCR 3.977(J); *Trejo, supra* at 356-357. The record indicates that respondent made a sincere effort to comply with the directives of the trial court to regain custody of the child. However, the child's extensive special needs combined with respondent's own cognitive limitations make it unlikely that respondent could ever provide proper care for the child. In light of the record, the trial court did not clearly err in finding that clear and convincing evidence supports the trial court's finding that termination was not contrary to the best interests of the child. MCL 712A.19b(5).

Affirmed.

/s/ Bill Schuette  
/s/ Stephen L. Borrello  
/s/ Elizabeth L. Gleicher