

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BROCK MIKULSKI II, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSICA ALMY,

Respondent-Appellant.

UNPUBLISHED

June 24, 2008

No. 282059

Ionia Circuit Court

Family Division

LC No. 07-000473-NA

Before: Meter, P.J., and Smolenski and Servitto, JJ.

MEMORANDUM.

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

The trial court did not clearly err by finding that a statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent admitted that her parental rights to three older children were involuntarily terminated in January 2006. We are not persuaded by respondent's contention that her parental rights to this child were prematurely terminated without regard to potentially improved parenting skills and increased maturity. Once a ground for termination is established, the court must order termination of parental rights unless there is clear evidence, on the whole record, that termination is not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Thus, while statutory subsection (l) makes a prior termination sufficient ground for the termination of parental rights to a subsequent child, it does not mandate that result in every case, because the trial court may decline to terminate if it finds that termination is clearly not in the best interests of the child. MCL 712A.19b(5).

The trial court extensively considered the best interests of the child and ultimately concluded that, since the termination of her parental rights to the other children, respondent mother had not done anything—besides attending three parenting classes—to address the issues that were present with her other children. The testimony indicated that respondent mother was offered extensive services in the previous case but did not take advantage of them. Respondent mother had not obtained mental health services since the previous termination, although she herself had an abusive past that affected her ability to parent. The child's father testified that respondent mother cannot work because of her emotional status. He indicated that she cannot

think of how to do things on her own, and will not remember to perform routine tasks on a long-term basis. The foster care worker observed that respondent mother did not understand how to handle an infant in a safe way and opined that respondent mother did not have the intellectual capability to independently parent a child. She also did not believe that respondent mother had rectified her situation in the time since the previous terminations. We note that those considerations that respondent has claimed are unfairly excluded from consideration under statutory subsection (l), such as the parent's potentially improved parenting skills and maturity, were clearly considered in the best interests determination. But the evidence simply did not show improved parenting skills, emotional stability, or maturity so as to justify a decision not to terminate. The trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the child.

Affirmed.

/s/ Patrick M. Meter

/s/ Michael R. Smolenski

/s/ Deborah A. Servitto