

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MAELYN LAMBERT and  
KAELYN LAMBERT, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LAURA GRIGGS,

Respondent-Appellant,

and

LAMAR LAMBERT,

Respondent.

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UNPUBLISHED

August 19, 2008

No. 282296

Jackson Circuit Court

Family Division

LC No. 88-015867-NA

Before: Schuette, P.J., Zahra and Owens, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children, Maelyn, pursuant to MCL 712A.19b(3)(f), and Kaelyn, pursuant to MCL 712A.19b(3)(c)(i), (g), and (l).<sup>1</sup> We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

On appeal, respondent does not challenge the trial court's finding that petitioner proved the statutory grounds for terminating her parental rights. Rather, she argues that termination of her parental rights was not in the best interests of Maelyn and Kaelyn. We disagree.

If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the

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<sup>1</sup> The parental rights of the children's father, Lamar Lambert, were also terminated but he is not a party to this appeal.

child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *Trejo, supra* at 355-357; *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999).

The trial court did not clearly err in its best interests determination. No evidence was put forth on the record by any party that it was not in Maelyn's or Kaelyn's best interests to terminate respondent's parental rights. To the contrary, the evidence established there was no bond between respondent and either Maelyn or Kaelyn. Respondent's frequent failure to visit Maelyn revealed that she did not value the opportunity to bond with Maelyn. Likewise, Kaelyn had been in a foster home since birth and only saw respondent during supervised visitation that occurred at the agency. Respondent did not properly read Kaelyn's cues during visits, and physically disciplined Kaelyn on three different visits. Respondent was also verbally abusive toward Kaelyn.

Further, in failing to benefit from her treatment plan, respondent clearly demonstrated that she was not capable of caring for Maelyn or Kaelyn. Although respondent completed parenting classes, had a psychological evaluation, and participated in some counseling sessions, she failed to benefit from her treatment plan because she continued to demonstrate impaired judgment. A parent must benefit from the services offered so that she can improve parenting skills to the point where the children would no longer be at risk in her custody. In other words, it is necessary but not sufficient to physically comply with the terms of a case service plan. *In re Gazella*, 264, Mich App 668, 676; 692 NW2d 708 (2005). It is not in Maelyn's or Kaelyn's best interests to be placed in the care of someone with impaired judgment, incapable of properly caring for them.

Finally, respondent was diagnosed with personality disorders, dependency issues, and passive/aggressive tendencies. Her psychological evaluation indicated that personality related issues were long-standing ingrained patterns relating to her environment and were difficult to change. Respondent made a number of poor choices regarding men and put herself at risk in some of her relationships. She appeared to learn very little from the consequences of previous poor choices. Respondent's issues were not curable, and change did not appear possible given her intellectual limitations and unwillingness to review herself. As recently as June 2007, after respondent was involved in an incident of domestic violence, she became suicidal. Respondent's impaired judgment, emotional problems, and mental health issues make her unable to meet her minimum parental responsibilities. "If a parent cannot or will not meet her irreducible minimum parental responsibilities, the needs of the child must prevail over the needs of the parent." *In re Terry* 240 Mich App 14, 28; 610 NW2d 563 (2000), quoting *In re AP*, 728 A2d 375, 379 (Pa Super, 1999). The trial court did not clearly err in finding that termination of respondent's parental rights was not against Maelyn's and Kaelyn's best interests.

Affirmed.

/s/ Bill Schuette  
/s/ Brian K. Zahra  
/s/ Donald S. Owens