

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAELYN DESTINY MORGAN,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CONSTANCE MORGAN,

Respondent-Appellant.

UNPUBLISHED

January 27, 2009

No. 287739

Lenawee Circuit Court

Family Division

LC No. 03-000222-NA

Before: Hoekstra, P.J., and Fitzgerald and Zahra, JJ.

MEMORANDUM.

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

Although respondent argues that the trial court erred in receiving 2004 psychological evaluation reports into evidence, her attorney expressly approved their admission into evidence, thereby waiving any claim of error. A party cannot assign error to something which her own attorney deemed proper at trial, *Hilgendorf v St John Hosp & Medical Ctr Corp*, 245 Mich App 670, 683; 630 NW2d 356 (2001), and seek relief on appeal on the basis of a position contrary to that taken below, *Flint City Council v Michigan*, 253 Mich App 378, 395; 655 NW2d 604 (2002).

Respondent's primary claim is that the trial court erred in finding that termination of her parental rights was in the child's best interests. See MCL 712A.19b(5). Before the child entered care, respondent underwent a parenting assessment and the psychologist indicated that it was unlikely that respondent would ever be able to parent the child on her own. Despite participating in services, respondent was unable to apply the parenting techniques taught her and the child never bonded to her. Respondent herself admitted that she was unable to provide for her daughter's basic needs and that while she loved her daughter, termination was in the child's best interests. Accordingly, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Joel P. Hoekstra

/s/ E. Thomas Fitzgerald

/s/ Brian K. Zahra