

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TYRIN TURNER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ASSYRIA IRIA TURNER,

Respondent-Appellant,

and

VERDELL WASHINGTON,

Respondent.

UNPUBLISHED

October 20, 2009

No. 292086

Berrien Circuit Court

Family Division

LC No. 2007-000087-NA

Before: Fort Hood, P.J., and Sawyer and Donofrio, JJ.

MEMORANDUM.

Respondent Assyria Turner appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) (the conditions that led to the adjudication continue to exist), (g) (failure to provide proper care or custody), and (j) (reasonable likelihood the child will be harmed if returned to the parent's home). We affirm.

The circuit court did not clearly err in finding that respondent established §§ 19b(3)(c)(i), (g), and (j) by clear and convincing evidence. MCR 3.977(G); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The child came into care because respondent had no "significant parenting insight or abilities." She failed to benefit from parenting classes as demonstrated by her conduct at family visits. She was referred to in-home counseling services and to the parent aide program to provide more intensive personal instruction on parenting but failed to cooperate. Even after the supplemental petition was filed, respondent still could not devote a full hour's attention to the child during supervised visits and did not yet understand why the child had been placed in foster care. The circuit court was not required to find that respondent would neglect her child for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). That case, which was based on a former version of § 19a(e), predates the enactment of § 19b(3), which now sets forth the current criteria for termination.

Although the circuit court erred in apparently relying on the former version of MCL 712A.19b(5) when assessing the child's best interests, the error was harmless because the evidence clearly shows that termination of respondent's parental rights is in the child's best interests under the correct standard. *In re Hansen*, ___ Mich App ___; ___ NW2d ___ (2009), lv pending.

Respondent's claim that petitioner should have provided more extensive services to address her cognitive deficiencies is without merit. The record shows that petitioner tried to provide services designed to assist a slow learner such as respondent, but respondent eventually stopped cooperating with the in-home counselor and refused to cooperate with the parent aide. Respondent has not identified what other services might have been offered or shown that she would have fared better had petitioner offered them to her. See *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005).

Affirmed.

/s/ Karen M. Fort Hood

/s/ David H. Sawyer

/s/ Pat M. Donofrio