

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ISAIAH DAVIL MEDINA,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARIBEL MEDINA,

Respondent-Appellant,

and

DOUGLAS MOORE,

Respondent.

UNPUBLISHED

January 28, 2010

No. 292607

Kent Circuit Court

Family Division

LC No. 07-050657-NA

Before: Donofrio, P.J., and Meter and Murray, JJ.

PER CURIAM.

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

The trial court did not err when it concluded that there was clear and convincing evidence to support termination of respondent's parental rights. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent does not specifically address or challenge the trial court's decision with respect to § 19b(l). Because it is only necessary to establish one statutory ground for termination by clear and convincing evidence, *In re Trejo*, 462 Mich at 341, respondent's failure to challenge the termination of her parental rights under § 19b(3)(l) could alone preclude any argument that a statutory ground for termination was not established by clear and convincing evidence. Nevertheless, we conclude there was sufficient evidence to support the other statutory grounds.

Respondent was diagnosed with borderline intellectual function and/or mild mental retardation. Respondent had given birth to two children: Javon and Isaiah Medina. In 1993, respondent's parental rights to Javon were terminated. In December 2006, respondent gave birth

to Isaiah, the child at issue in this appeal. After Isaiah's birth, respondent was provided services to assist her in the care of her child. Concern for the child's safety prompted the court to remove Isaiah from respondent's care in August 2007.

At the time of the removal, respondent struggled with even the most basic parenting skills. The situation was further compounded by Isaiah's special needs. Isaiah experienced feeding issues and developmental delays. At the time Isaiah was removed from respondent's care, his weight had fallen from the 10th to 20th percentile range into the 3rd percentile. Respondent was provided intensive services over a two-year period. Respondent readily admits that the services provided were appropriate and accommodated her cognitive impairments. In addition, respondent was given additional time to make progress toward reunification. Despite these efforts, and respondent's motivation and love for her child, at the time of termination respondent still was unable to demonstrate parenting skills that would warrant returning Isaiah to her care. Respondent failed to use consistently appropriate parenting techniques. She did not understand Isaiah's developmental delays or the special needs associated with his impairments. Respondent further failed to demonstrate that she could protect Isaiah from risk of harm.

There was also sufficient evidence for the court to conclude that the conditions that led to adjudication, and continued to be a barrier to reunification, would not be rectified within a reasonable time. Respondent argues she should have been granted more time to master her ability to parent. However, given the time the case had already been pending, it was not reasonable to grant the amount of time respondent would have required. Psychologist Jeffrey Kieliszewski testified that respondent would require assistance with Isaiah's care until he reached at least kindergarten age. Dr. Kieliszewski was not even sure about respondent's ability to parent a teenager. Isaiah was a little over two years old at the time of the termination. It was unreasonable to require that Isaiah wait another three years, or longer, for stability and permanence in his life.

Further, there was little evidence to support respondent's position that, with additional time, she would be able to parent her child. Respondent had been provided numerous and intensive services for over two years. She still had not made the necessary progress. Thus, it was unlikely that additional time would yield a different outcome. Moreover, although Dr. Kieliszewski testified that respondent's cognitive impairments were not a complete bar to parenting, he added the caveat that she must be receptive to the instruction that was offered to her. Several witnesses testified that respondent became defensive and angry when deficiencies were brought to her attention. This type of conduct did not establish that respondent had a "willingness to receive instruction." Thus, there was little evidence to support respondent's argument that the barriers to reunification would be removed within a reasonable time. The trial court did not err when it terminated respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).

Finally, respondent mentions, in passing, that the termination of her parental rights was not in Isaiah's best interests. The Legislature amended MCL 712A.19b(5), effective July 11, 2008, to provide as follows: "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights . . ." The trial court's decision regarding a child's best interests is reviewed for clear error. *In re Trejo*, 462 Mich at 356-357. In this case, the court found that termination of respondent's parental rights was in Isaiah's best interests because he required

permanency in his life. Considering Isaiah's special needs, permanency and consistency were absolute imperatives in order to maximize his potential for growth and development, and the trial court did not err in so finding.

Affirmed.

/s/ Pat M. Donofrio

/s/ Patrick M. Meter

/s/ Christopher M. Murray