STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
February 16, 2012

In the Matter of B. EDWARDS, Minor.

No. 305042
Berrien Circuit Court
Family Division
LC No. 2010-000044-NA

Before: SAWYER, P.J., and O'CONNELL and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent-appellant mother appeals as of right the order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

"In order to terminate parental rights, the trial court must find that at least one of the statutory grounds of MCL 712A.19b . . . has been met by clear and convincing evidence." *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Once the petitioner has established a statutory ground for termination, and finds that termination is in the best interests of the child, the trial court shall order termination of parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review for clear error the trial court's findings regarding whether one of the statutory grounds has been met by clear and convincing evidence and whether termination is in the best interests of the child. *Id.* at 356-357.

The evidence presented reflected that the initial barriers to reunification included respondent's cognitive impairments, need for parenting skills, lack of adequate social support system, lack of appropriate housing, and lack of potentially adequate income. The evidence presented also reflected that respondent received a myriad of services either through her previous cases involving the termination of her parental rights or through the case at bar, which included, in pertinent part, psychological assessments, counseling services, Self Help Alternative Living Opportunities of Michigan (SHALOM), parenting classes, parenting aide services, Michigan rehabilitative services, a team decision making meeting, the family reunification program, wraparound, community mental health services, and Baby-Take-Me-Home.

Despite the numerous services that respondent was provided, she failed to grasp the fact that having the child around her brothers would not be appropriate considering their criminal sexual conduct (CSC) convictions. She continued to struggle with understanding and being able to execute several elementary concepts involving how to properly care for the child, including meeting the child's basic hygiene, nutritional, and safety needs. In addition, she repeatedly showed poor judgment in several aspects of her life, including what would be considered appropriate housing for the child as well as her decision to discontinue services with SHALOM

and Michelle Serlin, who was her counselor for 19 years and who was the primary advocate for her having custody of the child. Moreover, there continued to be concern whether respondent would be able to financially care for the child considering that she was living on disability income and it would be difficult for her to be placed in a job since she lacked a general educational development (GED) and was convicted of CSC. Respondent also had not found suitable housing because living with her brothers, mother, or uncle and aunt, who were all the people on which she depended, was not appropriate. Further, it was noted that there were no other services available, which could be offered to respondent, to help her overcome all of the areas of concern that prevented her from being able to provide the proper care, custody, and support for the child. In addition, respondent's cognitive limitations appeared to be a barrier that would never be overcome. Further, although respondent made serious efforts to meet the requirements of petitioner, in the 15 months since the child's birth, respondent made little, if any, progress, in removing her barriers to reunification despite the numerous services that she was provided.

Based on the foregoing, the trial court did not clearly err when it found that respondent was given a reasonable opportunity to rectify the conditions that caused the child to come within the court's jurisdiction and there was no reasonable likelihood that the conditions would be rectified within a reasonable time. MCL 712A.19b(3)(c)(i); *In re McIntyre,* 192 Mich App at 50; *In re Trejo,* 462 Mich at 356-357. Moreover, the trial court did not clearly err when it concluded that there was clear and convincing evidence that respondent failed to provide the proper care and custody of her child and that there was no reasonable expectation that she would be able to provide the proper care and custody within a reasonable time considering the age of the child. MCL 712A.19b(3)(g); *In re McIntyre,* 192 Mich App at 50; *In re Trejo,* 462 Mich at 356-357. Further, there is ample evidence that supports the conclusion that the trial court did not clearly err when it found clear and convincing evidence that there was a reasonable likelihood that the child would be harmed if she was returned to respondent's home in the future. MCL 712A.19b(3)(j); *In re McIntyre,* 192 Mich App at 50; *In re Trejo,* 462 Mich at 356-357.

With regard to MCL 712A.19b(3)(l), evidence was presented that respondent's parental rights to two other children were previously terminated. Those terminations were undisputed. Thus, the trial court did not clearly err when it found clear and convincing evidence that respondent's parental rights to another child were terminated. MCL 712A.19b(3)(l); *In re McIntyre,* 192 Mich App at 50; *In re Trejo,* 462 Mich at 356-357.

In addition, as already noted, although respondent made serious efforts to meet the requirements of petitioner, in the 15 months since the child's birth, respondent made little, if any, progress in removing her barriers to reunification. Accordingly, despite the numerous services she was provided, she was still not able to make the necessary progress. Further, the evidence reflected that the services available to respondent had been exhausted. Thus, it is unlikely that additional time or services would yield the necessary outcome. Based on the foregoing, the trial court did not clearly err when it found that termination of respondent's parental rights was in the child's best interests. *In re Trejo,* 462 Mich at 356-357.

Affirmed.

/s/ David H. Sawyer
/s/ Peter D. O'Connell
/s/ Amy Ronayne Krause