

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 8, 2012

In the Matter of J. T. BRADLEY, Minor.

No. 306626
Ingham Circuit Court
Family Division
LC No. 11-000001-NA

Before: FITZGERALD, P.J., and MURRAY and GLEICHER, JJ.

MEMORANDUM.

Respondent L. Bradley appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

This case came before the trial court on allegations that respondent no longer wanted to care for the child (who was 13 months old at the time of the petition), and because of respondent's psychological and intellectual issues. After concluding that it had jurisdiction, the trial court subsequently determined that there was clear and convincing evidence that respondent's paternal rights to the minor child should be terminated because she had not, after some 260 days, been able to provide proper care and custody for the child and if returned, the child was reasonably likely to be harmed. The court also determined that termination was in the child's best interests.

After consideration of the parties' arguments and evidence, we hold that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing legally admissible evidence. *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); MCR 3.977(E)(3) and (K). Evidence supported the trial court's conclusion that respondent was not able to provide proper care or custody for her son. In January 2011, respondent contacted Children's Protective Services because she had become overwhelmed caring for her child, despite the fact that she was living with her mother who assisted with the childcare. At that time, respondent was not interested in participating in services in lieu of removal. Once the child was removed, respondent agreed to participate in services, but because of respondent's cognitive limitations she had difficulty learning many basic concepts of parenting, despite receiving hands-on instruction from a parenting aide. Respondent also had difficulty accepting her diagnosis of schizophrenia, and only took medication because that is what others wanted her to do. Although this was somewhat of a close case, in light of all the evidence we must conclude that the trial court did not clearly err in finding that respondent was not reasonably likely to be able to provide proper care and custody within a reasonable time

given the child's age, or in finding that because of respondent's limitations, the child was reasonably likely to be harmed if returned to respondent's custody.

Further, the trial court did not clearly err in its evaluation of the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K). MCR 3.977(E)(4). Although there is no doubt that respondent loved the child, the evidence also showed that the child had several developmental delays while under respondent's care. And although the evidence showed that respondent and the child had developed a bond and she showed a willingness to learn how to parent, her progress was slow and she was unable to take care of the child on her own. The trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Christopher M. Murray

/s/ Elizabeth L. Gleicher