STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
July 31, 2012

In the Matter of T. S. WILLIAMSON, Minor.

No. 307250
Kent Circuit Court
Family Division
LC No. 11-051429-NA

Before: SHAPIRO, P.J., and HOEKSTRA and WHITBECK, JJ.

PER CURIAM.

Respondent mother appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g), (j), (l), and (m).[1] We affirm.

On appeal, respondent argues that the trial court erred in finding clear and convincing evidence to terminate her parental rights. We disagree. The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent admitted that her rights to two other children were involuntarily terminated as a result of proceedings under MCL 712A.2(b). MCL 712A.19b(3)(l). She also acknowledged the voluntary termination of her parental rights to another child after the initiation of proceedings, which involved concerns over past domestic violence, including incidents in which respondent had been the aggressor. MCL 712A.19b(3)(m).

Additionally, the evidence demonstrated that respondent lacked the parenting skills to properly care for her infant son. Respondent, who had been diagnosed with mild mental retardation, needed constant direction on basic parenting techniques. For example, she struggled with diapering, remembering when to feed the infant, remembering to burp the infant after feeding, mixing formula, and leaving the infant unattended on the changing table. She also had

---

[1] These provisions involve failure to provide proper care, MCL 712A.19b(3)(g); likelihood of harm if child is returned to the parent, MCL 712A.19b(3)(j); parent's rights to another child were previously terminated, MCL 712A.19b(3)(l); and parent's rights to another child were voluntarily terminated in proceedings involving abuse, MCL 712A.19b(3)(m).

difficulty responding to the infant's crying cues; holding the infant so that his neck was supported; and demonstrating appropriate nurturing behavior, such as using a proper tone of voice. On one occasion, a parent-time specialist had to intervene in a visit after the infant was placed on his stomach and vomited and thereafter had his face in the vomit.

To the extent respondent argues that the trial court failed to consider her progress, her claim is without merit. While respondent occasionally appeared to progress in one or two of these areas, the professionals involved with her treatment noted that she tended to regress and still needed constant redirection. Respondent argues she could improve with more time. However, given her lack of consistent improvement, failure to benefit from previous services, and the fact that the infant at issue is her fourth child, there seems little possibility that her parenting skills would improve to the point that she could properly care for the infant or that this would occur within a reasonable time. MCL 712A.19b(3)(g).

Lastly, the trial court did not err in finding that respondent's history of domestic violence created a reasonable likelihood of harm to the child if he was returned to her care. MCL 712A.19b(3)(j). There was also clear evidence to show that respondent's lack of parenting skills placed the infant at a risk of harm. Often she needed to be reminded to feed the infant, she left him unattended on a changing table creating the possibility that he would fall off, and her struggles to properly hold him created a risk of injury to his neck. Accordingly, the trial court did not clearly err in finding that there was clear and convincing evidence for termination under MCL 712A.19b(3)(g), (j), (l) and (m).

In reaching our conclusion, we reject respondent's claim that she was somehow misled into entering an agreement to admit to the allegations in the petition in exchange for a three months abeyance of the termination proceedings. In admitting to the allegations, respondent was represented by counsel and she had been appointed a guardian ad litem who met with her to discuss the admissions. Moreover, while admission of the allegations in the petition precluded the possibility of success under MCL 712A.19b(3)(l) and (m), respondent received an abeyance during which to establish that termination was not in the best interests of the child. MCL 712A.19b(5). Contrary to her argument on appeal, the agreement was honored and respondent received an opportunity to establish that she could parent the infant. For the months between adjudication and termination, respondent worked a treatment plan and reasonable efforts were made, taking into account her cognitive difficulties, to accomplish reunification. *In re Terry*, 240 Mich App 14, 26; 610 NW2d 563 (2000). Unfortunately, in spite of her efforts, the trial court did not err by finding that termination was in the child's best interests. However, this does not mean the agreement did not afford her a real opportunity to seek reunification with her child.

Affirmed.

/s/ Douglas B. Shapiro
/s/ Joel P. Hoekstra
/s/ William C. Whitbeck