

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CRYSTAL SHENAY BUTLER,
CARMEL IVORY BUTLER, and DEVONTE
NEANDRE PLEASANT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE VIRGINIA BUTLER,

Respondent-Appellant,

and

CEDRIC TYRONE PLEASANT and JOHN
DOE,¹

Respondents.

UNPUBLISHED
January 13, 2004

No. 247409
Wayne Circuit Court
Family Division
LC No. 00-392594

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The condition leading to adjudication was respondent-appellant's inability to provide proper care or custody of the children independently because of her cognitive limitations. She was assisted in parenting the children by her mother or sister, but even with that assistance referrals were made to protective services in 1998, 1999 and 2000. Despite respondent-appellant's complete compliance with her parent agency agreement,

¹ Lynn Anthony Jordan, Carmel's legal father, was also a respondent in this proceeding.

the evidence clearly showed that respondent-appellant would never be able to parent the children independently. During the three-year course of this proceeding, a suitable assistant was not identified to help her parent, and thus the condition leading to adjudication was not rectified.

Although respondent-appellant's aunt and uncle came forward after the termination order was entered to offer respondent-appellant assistance in parenting the children, no evidence regarding their long-term commitment or suitability was presented. They knew that the children had been in foster care for two years, and they could have come forward much sooner had they been interested. They were still able to offer themselves as an adoptive placement.

Further, the trial court did not err in determining that the evidence did not show that termination of respondent-appellant's parental rights was clearly against the children's best interests. Respondent-appellant and the children were bonded and had maintained the family bond through respondent-appellant's faithful and consistent visits. However, the evidence showed that Crystal had developmental delays and required speech therapy, and Devonte had Down's Syndrome. Their needs were met in foster care. The children required a superior level of parenting, and the evidence showed that respondent-appellant was unable to provide even minimally adequate parenting. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White