

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JOSIAH BRADSHAW MAYNE,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LUCHONA JANETTE HOWARD, a/k/a  
LUCHONA JANETTE PIERCE,

Respondent-Appellant.

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UNPUBLISHED  
February 24, 2009

No. 287025  
Wayne Circuit Court  
Family Division  
LC No. 05-440937

Before: Whitbeck, P.J., and O'Connell and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination had been established by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005); MCR 3.977(J). The record supports termination of respondent's parental rights under subsection (3)(c)(i), given that, although almost three years had passed, respondent was in no better position to assume custody of the child at the time of termination than she had been at the time of adjudication. Rather, having been deported during the proceedings, respondent was unable to return to this country to care for the child and had lost her housing and source of income. The record also supports termination of respondent's parental rights under subsections (3)(g) and (3)(j), because there was a strong indication that the child would not be safe in respondent's care. Notably, two of respondent's other children had died while in her care, respondent had been convicted in Canada of criminal negligence regarding the death of one of those children, and Canadian authorities had removed three other children from her care. We further find no error in the trial court's finding that termination was in the best interests of the child, considering respondent's poor record of parenting. MCL 712A.19b(5).

We also reject respondent's argument that the trial court, upon rehearing, should have granted the motion to deport the child to Canada. We are unconvinced that the trial court had

authority to grant such a motion, and respondent presents no support for her position that the trial court should have taken this action even if such authority existed.

Affirmed.

/s/ William C. Whitbeck

/s/ Peter D. O'Connell

/s/ Donald S. Owens