

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 19, 2011

In the Matter of A. J. CORSKEY-PALACIOS,
Minor.

No. 301932
Oakland Circuit Court
Family Division
LC No. 09-762099-NA

Before: MURRAY, P.J., and FITZGERALD and RONAYNE KRAUSE, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i),¹ (g),² and (j).³ We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence and that termination is in the best interest of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision is reviewed for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *Sours*, 459 Mich at 632-633. We find no clear error.

Respondent was required to be able to meet the child's basic needs. Despite her developmental disabilities and cognitive limitations being taken into account and accommodated, and despite her participation in some services, she simply did not benefit and could not show that

¹ The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

² The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

³ There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

she could provide for her child's needs.⁴ See *In re Terry*, 240 Mich App 14, 28; 610 NW2d 563 (2000); *In re Gazella*, 264 Mich App 668, 676- 677; 692 NW2d 708 (2005). Likewise, respondent showed a dubious, at best, ability to parent the child safely, given the inappropriate and heated arguments in which she engaged in front of the child, her belief that the child would never need medical treatment, and her expectations that her then four-year-old child could and should make age-inappropriate decisions. Again, respondent simply did not benefit sufficiently from services to show that she could provide her child with a safe and stable environment. The trial court did not err in finding termination appropriate for all three stated grounds.

The trial court also did not err in its best interest determination. MCL 712A.19b(5). Respondent had a history of homelessness and could not demonstrate an ability to provide the child with safe and suitable housing or financial support. It is in the child's best interest to be raised by someone who can provide her with a stable and safe home. If a parent cannot carry out minimal parental responsibilities, the needs of the child must prevail over the needs of the parent, irrespective of the parent's good intentions. *Terry*, 240 Mich App at 28. Thus, the trial court did not err in its best interest determination.

Affirmed.

/s/ Christopher M. Murray
/s/ E. Thomas Fitzgerald
/s/ Amy Ronayne Krause

⁴ Respondent never objected to petitioner's failure to provide a written updated service plan, and the lack thereof does not render the evidence insufficient, given the existence of a treatment plan that the court reviewed at the hearing.