

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 13, 2011

In the Matter of Z. M. HOUGH, Minor.

No. 303205
Kalamazoo Circuit Court
Family Division
LC No. 2001-000098-NA

Before: MARKEY, P.J., and SERVITTO and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent J. Hough appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (i), (j), and (m). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination under §§ 19b(3)(g) and (j) were both established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(H)(3)(a) and (K). Respondent has seven other children. Her parental rights to six of those children were previously terminated following the initiation of child protective proceedings, and the father of the seventh child was awarded sole legal and physical custody. The child at issue in this appeal entered care with obvious developmental delays that respondent did not recognize. Although petitioner was not required to provide respondent with reunification services, see MCL 712A.19a(2)(c), it did so in this case. The evidence showed that, despite those services, and the services provided to respondent in connection with the prior cases, respondent had not improved her parenting skills to the extent that the child could be placed in her care.

Relying on *In re Newman*, 189 Mich App 61; 472 NW2d 38 (1991), respondent argues that merely providing her with services was not enough, and that petitioner was required to give her an opportunity to prove that she could provide a stable home for the child. This case is clearly distinguishable from *In re Newman*. The respondents in *In re Newman* had progressed to unsupervised visitation and the problems that arose during unsupervised visitation were not attributable solely to the respondents. In this case, respondent was given an opportunity to demonstrate her ability to parent the child during the nine months between his removal from the home and the filing of the supplemental petition. Respondent never progressed to unsupervised visitation because her conduct during supervised visits, coupled with the child's lack of attachment to her, indicated that it was not appropriate to return the child to her care. Nothing in *In re Newman* suggests that before termination can be ordered, every parent must be given an

opportunity to demonstrate her parenting ability during unsupervised visitation, regardless of whether the parent is ready to assume such responsibility.

The evidence in this case showed that respondent attended parenting classes and claimed to have learned how to be a good parent, but she could not articulate what being a good parent entailed. During visits, she tended to be passive and did not utilize the skills taught by the parent aide. A psychologist who evaluated respondent and respondent's counselor both agreed that respondent was not able to parent a child without assistance. Respondent claimed that her mother could provide necessary assistance, but her mother declined the opportunity to testify to her willingness to help respondent raise her child. Clear and convincing evidence supports the trial court's determination that termination was warranted under §§ 19b(3)(g) and (j). Because the trial court did not clearly err in finding that these two statutory grounds for termination were established, any error in relying on §§ 19b(3)(c)(i), (i), and (m) as additional grounds for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

We affirm.

/s/ Jane E. Markey

/s/ Deborah A. Servitto

/s/ Amy Ronayne Krause