

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEASHAWN BENNETTE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TINA PORTIS,

Respondent-Appellant,

and

JOHNNIE L. BROWN,

Respondent.

UNPUBLISHED

March 23, 2006

No. 264540

Kent Circuit Court

Family Division

LC No. 04-052494-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

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

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). Dr. Boyd's testimony clearly demonstrated that respondent-appellant required "a lifetime" of support and mentoring to adequately parent her son and that it was not likely that she would ever be able to parent her son independently. Once a child comes within the jurisdiction of the family court, a parent, even a parent who is developmentally disabled, must demonstrate that he or she can meet that child's basic needs before the child will be returned to the parent. *In re Terry*, 240 Mich App 14, 23, 27-28; 610 NW2d 563 (2000).

Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Although the trial court erred in authorizing the April 30, 2004 petition at an unrecorded preliminary inquiry, MCR 3.962(B), rather than at a preliminary hearing, we find that the error was harmless. MCR 2.613(A); MCR 3.902(A). A review of the transcripts of the April 30, 2004 preliminary hearing and the August 27, 2004 preliminary hearing reveals sufficient evidence to support the trial court's findings that there was probable cause that at least one allegation in the April 30, 2004 petition and in the amended petition were true.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra