

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of GLM and ALL, Minors.

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DEPARTMENT OF HUMAN SERVICES,  
Petitioner-Appellee,

v

LACY WADE,

Respondent-Appellant,

and

DAKOTA MORRIS and ANTONIO LUCAS,

Respondents.

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In the Matter of JS, Minor.

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DEPARTMENT OF HUMAN SERVICES,  
Petitioner-Appellee,

v

LACY WADE,

Respondent-Appellant,

and

CHARLES SNOW,

Respondent.

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UNPUBLISHED  
June 3, 2010

No. 294503  
Berrien Circuit Court  
Family Division  
LC No. 2008-000041-NA

No. 294508  
Berrien Circuit Court  
Family Division  
LC No. 2009-000050-NA

Before: MARKEY, P.J., and ZAHRA and GLEICHER, JJ.

PER CURIAM.

Respondent Lacy Wade, the biological mother of the involved children, appeals as of right a circuit court order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Petitioner filed a temporary custody petition in April 2008, raising concerns about the stability and suitability of respondent's residence, her medical and physical neglect of the children, and her lack of employment or another source of income. Concerning respondent's residence, the petition specified that it did not have a telephone, the utility company had shut off gas service, and that respondent owed multiple months' of electric and gas bills. According to the petition, respondent did "not have anyone to turn to for help" or "an option of a place to go." Regarding neglect of the children, the petition averred that on one occasion respondent "was almost out of food" and that respondent had ignored advice to treat her youngest son's rash with benedryl or take him to a doctor. In June 2008, respondent pleaded no contest to the petition allegations and the circuit court exercised jurisdiction over the children.

Respondent commenced a treatment plan that required her to attend a psychological evaluation and individual counseling, complete parenting classes, obtain a legal income source and stable housing, communicate with her caseworker, and visit the children during supervised parenting times. Respondent obtained employment at two fast-food establishments, attended most of her supervised parenting times, and completed parenting classes, although she did not demonstrate to her instructors or during parenting times that she had learned new parenting information or techniques. In April 2009, around the time of JS's birth, petitioner filed permanent custody petitions with respect to all three involved children. After a September 2009 termination hearing, the circuit court terminated respondent's parental rights.

Respondent now contests the circuit court's termination ruling. The petitioner bears the burden of proving a statutory ground for termination by clear and convincing evidence. MCL 712A.19b(3); *In re Trejo*, 462 Mich 341, 350; 612 NW2d 407 (2000). Once a statutory ground for termination is established by clear and convincing evidence, the circuit court must order termination if "termination of parental rights is in the child's best interests." MCL 712A.19b(5). We review for clear error a circuit court's findings of fact. MCR 3.977(J); *In re Trejo*, 462 Mich at 356-357. "A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989) (internal quotation omitted).

Respondent disputes that the record contains clear and convincing evidence of her parental unfitness under any of the three statutory grounds invoked by the circuit court. We first address respondent's challenge to the court's reliance on MCL 712A.19b(3)(c)(i), which authorizes termination when conditions leading to an adjudication continue to exist more than 182 days after the adjudication, without any reasonable likelihood of rectification "within a reasonable time considering the child[ren]'s age[s]." Petitioner presented clear and convincing evidence that more than a year after the April 2008 adjudication, respondent had not rectified the conditions leading to adjudication, namely her longstanding lack of stable housing and her

inability to provide for the children's basic needs. Furthermore, ample evidence, including respondent's psychological evaluation, her inability to grasp the concepts taught in her parenting classes, and her failure to make significant progress toward completing several elements of her treatment plan, substantiated the unlikelihood that respondent might rectify her parental shortcomings within a reasonable time. Respondent accurately complains that she did not receive individualized parenting instruction before the termination hearing, but even had petitioner arranged for this service, the outcome of the termination proceeding would not have differed because the individualized parenting instruction would have in no way addressed respondent's longstanding inability to take advantage of offered assistance and obtain and maintain a safe and stable home. *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005). With respect to respondent's suggestion that petitioner did not show a danger of long-term neglect, the record reflects that over the course of nearly a year-and-a-half respondent neglected the children's basic needs by failing to pay her utility bills, consistently possess sufficient food for the children, and attend to the children's medical needs; this evidence clearly and convincingly establishes a risk of respondent's future long-term neglect of the children. Additionally, when a parent cannot meet minimum parental responsibilities, regardless whether the parental inability stems from developmental disabilities, the children's needs for proper care and custody prevail. *In re Terry*, 240 Mich App 14, 28; 610 NW2d 563 (2000).<sup>1</sup>

Moreover, we detect no clear error in the circuit court's finding that termination of respondent's parental rights served the children's best interests. MCL 712A.19b(5). The record reveals limited evidence of the children's attachment to respondent, and evidence that ALL's severe asthma had improved markedly since his placement in foster care. *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001). The children's strong needs for emotional stability, safe shelter, and permanence further weighed in favor of terminating respondent's parental rights.

Affirmed.

/s/ Jane E. Markey  
/s/ Brian K. Zahra  
/s/ Elizabeth L. Gleicher

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<sup>1</sup> The evidence of respondent's long-term housing instability, her cognitive difficulties, and her minimal progress over the course of the child protective proceedings also clearly and convincingly warranted termination of her parental rights under MCL 712A.19b(3)(g). Given the existence of subsections (c)(i) and (g) as grounds for termination, we need not consider the circuit court's invocation of subsection (j).