

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MUNOZ/STOECKL, Minors.

UNPUBLISHED
April 10, 2014

No. 318265
Saginaw Circuit Court
Family Division
LC No. 11-033104-NA

Before: DONOFRIO, P.J., and CAVANAGH and JANSEN, JJ.

PER CURIAM.

Respondent-mother appeals by right the trial court’s order terminating her parental rights to A.F., S.M., and F.L. pursuant to MCL 712A.19b(3)(c)(i) (conditions that led to the adjudication continue to exist) and (3)(g) (failure to provide proper care and custody).¹ We affirm.

To terminate parental rights, the trial court must find that “one or more of the statutory grounds for termination listed in MCL 712A.19b(3) have been proven by clear and convincing evidence.” *In re Olive/Metts Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012). The trial court then must find that termination of parental rights is in the child’s best interests by a preponderance of the evidence. MCL 712A.19b(5); *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013).

On appeal, respondent-mother does not argue that petitioner failed to prove the statutory grounds for termination by clear and convincing evidence. See *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds by *In re Trejo*, 462 Mich 341 (2000). Instead, she argues only that the trial court erred by finding that termination of her parental rights was in the children’s best interests. We review for clear error the trial court’s best-interests finding. MCR 3.977(K).

In this case, while the witnesses, parties, and the trial court all agreed that respondent-mother genuinely wanted to care for her children, the evidence showed that respondent-mother did not have the intellectual capability to do so on an independent basis. Two Court Appointed Special Advocate (CASA) volunteers testified that respondent-mother was unable to improve her

¹ The father of the children voluntarily released his parental rights.

parenting skills despite two years of services. Because respondent-mother was unable to improve her parenting skills, she failed to progress from supervised to unsupervised visitations at any point during this case. See *In re Frey*, 297 Mich App 242, 248-249; 824 NW2d 569 (2012) (when a parent failed to develop the necessary parenting skills after 22 months of services, termination of parental rights was in the child's best interests); see also *In re Fried*, 266 Mich App 535, 543-544; 702 NW2d 192 (2005) (termination of parental rights may still be warranted when the parent cannot provide a satisfactory home, notwithstanding that the parent has acted appropriately during supervised visitations). In addition, an expert witness opined on the basis of his two psychological evaluations of respondent-mother that she did not have the mental ability to responsibly and safely parent her children and would not develop that ability in the future. The expert witness's testimony was corroborated by an employee of the Saginaw County Youth Protection Council, who testified that respondent-mother was often unable to read and comprehend basic information. See *In re Gass*, 173 Mich App 444, 449-451; 434 NW2d 427 (1988). For these reasons, the trial court did not clearly err by finding that termination of respondent-mother's parental rights was in the children's best interests.

Affirmed.

/s/ Pat M. Donofrio
/s/ Mark J. Cavanagh
/s/ Kathleen Jansen