

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

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In the Matter of LILITH LETHBRIDGE, a/k/a  
LILLITH LETHBRIDGE, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MATTHEW LETHBRIDGE,

Respondent-Appellant,

and

JENNIFER COPELAND LETHBRIDGE,

Respondent.

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DEPARTMENT OF HUMAN SERVICES,

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v

JENNIFER COPELAND LETHBRIDGE,

Respondent-Appellant,

and

MATTHEW LETHBRIDGE,

Respondent.

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UNPUBLISHED  
January 24, 2008

No. 278037  
Washtenaw Circuit Court  
Family Division  
LC No. 06-000080-NA

No. 278038  
Washtenaw Circuit Court  
Family Division  
LC No. 06-000080-NA

Before: Kelly, P.J., and Cavanagh and O'Connell, JJ.

PER CURIAM.

In this consolidated case, respondents appeal as of right the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(i) and (l). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondents' parental rights were established by clear and convincing evidence. See MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Both statutory grounds were established by evidence showing that respondents' parental rights to five children were terminated in 2001 for failure to rectify conditions of environmental neglect, and their parental rights were terminated to a sixth child in 2002. In 2005, respondents' seventh and eighth children were removed in Wayne County for deplorable home conditions, and that child protection proceeding was in progress for seven months when respondents' ninth child, Lilith, was born in Washtenaw County. Lilith was removed 18 days after birth and a permanent custody petition was filed based on respondents' prior terminations and the new allegations in Wayne County.

The Wayne County proceeding transferred to Washtenaw County in September 2006, and Lilith's sister, Emma, was placed in the foster home with Lilith. Hearings for Emma's permanency planning and Lilith's initial disposition were combined in Washtenaw County, and on the evidence presented the trial court declined to order a termination petition filed for Emma but terminated respondents' parental rights to Lilith on grounds of prior termination of parental rights and lack of rehabilitation. The trial court found that §§19b(3)(g) and (j) had not been established, because Lilith had been removed from respondents' care so soon after her birth.

Respondents do not argue on appeal that statutory grounds were not met. They argue that termination was clearly contrary to Lilith's best interests because (1) respondents had complied with services and benefited, (2) the trial court was unable to find that respondents were currently unfit, (3) the trial court found that pursuing termination was contrary to Emma's best interests and therefore should have found termination contrary to Lilith's best interests, and (4) public policy dictated that children are best raised by their biological parents. Respondents also allege without providing factual support that the trial court improperly relied on a comparison between their home and the foster home.

We find that the trial court did not err in its determination of Lilith's best interests. Although the trial court declined to rely on §§19b(3)(g) or (j) to terminate respondents' parental rights to Lilith, the court did find, based on respondents' voluminous history and respondent mother's 2007 psychological evaluation, that the likelihood of a different long-term outcome in this case than in the 1997 to 2001 proceeding was very small. In the 2001 case, the trial court had found that respondents were intelligent, articulate, and engaged in numerous services but their home had been unfit since 1993, that respondent father vowed to assist respondent mother

to ensure that the deplorable conditions never occurred again, and that respondents attributed the deterioration of their home environment to outside circumstances. The same facts were present in the instant case. Respondent father made the same vow to assist respondent mother, respondents engaged in services, and respondents attributed the deplorable condition of their home in 2005 to outside circumstances and reluctance to ask for help for fear of the children's removal. Although the evidence showed that respondents were compliant and had improved their environment while under court scrutiny and without the children home, it also showed the likelihood of long-term improvement was very small because they had 12 years of failing to sustain progress and still attributed their unfit home environment in 2005 to outside forces that were likely to occur again: financial stress, marital stress, reluctance to ask the agency for help, respondent mother's stress from working, going to school and not taking her medication, and respondent mother's lack of knowing how to clean.

The trial court's decisions regarding Emma and Lilith were consistent. It determined that neither child could return to respondents. The best interests evidence was different for each child, even though it was presented in joint hearings, and therefore the action ordered by the court for each child was different. Filing a petition requesting termination of parental rights was contrary to Emma's best interests, based on evidence that Emma was bonded to respondents, who had been her only constant in her five placements, and that Emma may benefit from maintaining contact with, but not being parented by, respondents. The evidence showed that termination was not clearly contrary to Lilith's best interests because respondents' ability to maintain their improved home environment was unlikely and Lilith's return to them would subject her to future instability, and she did not know respondents and had not bonded to them.

There was no indication on the record that the trial court compared the foster home with respondents' home other than noting that if the foster parents adopted Lilith she could reside with Emma, but since the termination decision turned on best interests and the trial court may consider whether or not a child would be better off in a foster or adoptive home in making a best interests determination, the trial court did nothing improper. See *In re Mathers*, 371 Mich 516, 530; 124 NW2d 878 (1963).

Furthermore, in applying subsection 19b(5), the trial court balanced the policy favoring preservation of the family unit with protecting a child's need for stability and permanency. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Once a statutory ground for termination was established, the trial court was mandated to terminate parental rights unless doing so was clearly contrary to the child's best interests. *Id.* In Lilith's case, based on a tremendous amount of past history and current evaluation, the trial court found that termination was supported by two statutory grounds and the chance of respondents' long-term rehabilitation was very small. Therefore, Lilith's need, and right to, permanency, outweighed the public policy of preserving the family.

Respondent father argues on appeal that the trial court abused its discretion in denying respondents' motion to change venue of Lilith's case to Wayne County, where the facts, services, and witnesses were, and where the agency goal was reunification. This issue was raised

by respondents in interlocutory proceedings and this Court held that it was without merit. *In re Lilith Lethbridge Minor*, unpublished orders of the Court of Appeals, entered August 30, 2006, (Docket Nos. 272199, 272200). We will not reconsider this issue. See *Marysville v Pate, Hirn & Bogue, Inc*, 196 Mich App 32, 34; 492 NW2d 481 (1992).

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Mark J. Cavanagh

/s/ Peter D. O'Connell