

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of VERITY AMELIA TEBAY-
MATKIN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELLE TEBAY,

Respondent-Appellant.

UNPUBLISHED
February 12, 2008

No. 280822
St. Clair Circuit Court
Family Division
LC No. 05-000640-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds had been established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Ample evidence existed on the record to support the trial court's decision. Between the initial disposition order in January 2006 and the filing of the supplemental termination petition in March 2007, respondent failed to comply with many aspects of her parent-agency agreement, with the main issue being the domestic violence that existed in her relationship with the child's father. Respondent downplayed or denied this domestic violence. Under her reasoning, an incident qualified as domestic violence only if it involved a physical assault, and was serious only if it was reported to, and documented by, the police. This type of reasoning meant respondent failed to recognize the effect of violent behavior in general, and the impact a violent person has upon a household where others live in fear even if they were not the targets of a physical assault. Although respondent claimed that her relationship with the child's father ended in August of 2006, she stated in December of 2006 that he was her only support and she would consider pressing charges against him because she would know where he was and would be able to talk to him if he were incarcerated. This evidence indicated there was an ongoing relationship (whether romantic or just friendly), where respondent was extremely reliant upon him for support. Respondent's claim that the child's father now resided out of state was contradicted by Secretary of State records, and, even if the claim were true, there was a strong probability that she would allow him back into her house if he returned to the state of Michigan.

Given this evidence, the trial court did not clearly err when it found that respondent had not yet rectified the adjudicating condition of domestic violence, had failed to protect and provide proper care or custody to the young child, there was no reasonable likelihood or expectation that respondent would soon be able to extricate herself from this violent relationship, and the probability of continued domestic violence placed the child at risk of harm if returned to respondent's home. MCL 712A.19b(3)(c)(i), (g), and (j). Further, the child was young, needed protection, and had spent over half of her life outside of respondent's care. The trial court also did not err in its best interests determination. MCL 712A.19b(5).

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra