

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of KENYATTE HOPES and NIAH  
CHARLESTON, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MONIQUE CARSON,

Respondent-Appellant,

and

RASHAD CHARLESTON,

Respondent.

---

UNPUBLISHED

April 17, 2008

No. 278614

Jackson Circuit Court

Family Division

LC No. 04-003553-NA

Before: Wilder, P.J., and Murphy and Meter, JJ.

PER CURIAM.

Respondent Monique Carson appeals as of right the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

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 Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children came into care after one of the children, four months old at the time, had her skull fractured by her father during a domestic dispute with respondent. The petition was authorized after respondent made certain admissions, including that she had been involved in past physical altercations with the father of one of the children and had been involved in an altercation with the other child's father, which may have resulted in the youngest child being struck. Over the course of the next two and one-half years, respondent suffered problems with housing, employment, and drug use. She was also incarcerated twice,<sup>1</sup>

---

<sup>1</sup> During the pendency of the proceedings, respondent pled guilty to home invasion, unlawfully driving away an automobile, and possession of marijuana.

her last visit with the children occurred in May 2006, and she became pregnant by another man who was arrested in January 2007 for abusing her. However, by the time of the termination hearing, respondent had not tested positive for drugs for at least six months, had maintained part-time employment for three months, and had appropriate housing in which she resided on her own (only because her latest abusive partner was incarcerated).

This evidence showed that respondent successfully broke away from the children's fathers but almost immediately thereafter became embroiled with another abusive man, with whom she was still involved a month before the termination hearing. Although she claimed to have recently decided to permanently end the relationship, she had not yet had sufficient time or wherewithal to put that goal into action. Indeed, after first obtaining a personal protection order against her latest boyfriend because of abuse, she attempted to have it removed without success. Furthermore, there was testimony that respondent failed to complete domestic violence services on two occasions, failed to stay in counseling with her second therapist, and stopped taking psychiatric medications prescribed to her. Therefore, the trial court did not clearly err when it found the adjudicating condition of domestic violence had not yet been rectified. Furthermore, given respondent's history, there was no reasonable expectation or likelihood that respondent would be able to break the vicious cycle of domestic violence within a reasonable time given the children's young ages. The presence of domestic violence in the home would place the children at risk of injury should they be returned to her care. There was sufficient evidence to support termination under all the grounds cited by the trial court.

Next, the trial court did not clearly err in its best interests determination. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. The children had been removed from respondent's care for two and one-half years and, by the time of the termination hearing, respondent had not visited them in a year. There was evidence that one of the children suffers from posttraumatic stress disorder caused by violence in the home and sexual abuse inflicted by one of respondent's past boyfriends. There was no evidence of any bond between respondent and the children, and the children needed stability.

Affirmed.

/s/ Kurtis T. Wilder  
/s/ William B. Murphy  
/s/ Patrick M. Meter