

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

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In the Matter of DYLAN SAUNDERS, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAMELA WALKOWSKI,

Respondent-Appellant,

and

JACK SAUNDERS,

Respondent.

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In the Matter of DYLAN SAUNDERS, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JACK SAUNDERS,

Respondent-Appellant,

and

PAMELA WALKOWSKI,

Respondent.

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UNPUBLISHED

July 15, 2008

No. 279935

Monroe Circuit Court

Family Division

LC No. 06-019627-NA

No. 279936

Monroe Circuit Court

Family Division

LC No. 06-019627-NA

Before: Fitzgerald, P.J., and Talbot and Donofrio, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i) (the conditions that led to the adjudication continue to exist); (c)(ii) (other conditions exist and are not rectified); (g) (failure to provide proper care or custody); and (j) (the child is likely to be harmed if returned to the parent's home). Because the trial court did not err in finding that the child's best interest did not preclude termination of respondents' parental rights, we affirm.

The trial court did not clearly err in finding that the minor child's best interests did not preclude termination of respondents' parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although provided with numerous services, respondents could not rectify the conditions that brought Dylan into care. They continued to use substances and did not complete substance abuse treatment or regularly attend AA/NA. They failed to finish domestic violence counseling and parenting classes, and they did not obtain suitable housing and income. While respondents did attend counseling for a time, at least two domestic violence incidents occurred in 2007, and each parent used substances within one month of the final hearing. Respondents had failed to visit Dylan between January and June 2007. Dylan is very young, and the evidence did not show a strong parent-child bond. Respondents made some strides near the end, but their progress was insufficient and the trial court did not believe that they genuinely wished to change or would be able to within a reasonable time. The record supports the trial court's conclusions.

The trial court did err in placing the burden on respondents to show that it would clearly not be in Dylan's best interests to terminate their parental rights. *Trejo, supra* at 354-356. But the error was harmless in the present case, where the evidence overwhelmingly supported the trial court's ruling concerning the child's best interests.

Affirmed.

/s/ E. Thomas Fitzgerald  
/s/ Michael J. Talbot  
/s/ Pat M. Donofrio