

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of XAVIER LETHBRIDGE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MATTHEW LETHBRIDGE,

Respondent-Appellant,

and

JENNIFER LYNN LETHBRIDGE,

Respondent.

In the Matter of XAVIER LETHBRIDGE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER LYNN LETHBRIDGE,

Respondent-Appellant,

and

MATTHEW LETHBRIDGE,

Respondent.

UNPUBLISHED

August 19, 2008

No. 283016

Washtenaw Circuit Court

Family Division

LC No. 07-000062-NA

No. 283017

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Before: Schuette, P.J., Zahra and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right following an order that terminated their parental rights to the minor child Xavier pursuant to MCL 712A.19b(3)(i), (j), and (l). We affirm. These appeals have been decided without oral argument pursuant to MCR 7.214(E).

Xavier is respondents' tenth child. Respondents' parental rights to their five oldest children were terminated in 2001 for failure to rectify the conditions of environmental neglect. Their parental rights to a sixth child were terminated in 2002. In 2005, two more children were removed from respondents' care in Wayne County for deplorable home conditions. While that case was pending, respondents gave birth to a ninth child, Lilith, in Washtenaw County, who was removed from their care 18 days after birth. Respondents' parental rights to Lilith were terminated in 2007.¹

Respondents concede that statutory grounds for termination of their parental rights to Xavier were established but argue that the trial court erred in its best interests determination. Once a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J). *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

As with Lilith, Xavier was born at home. Xavier was removed from the home 14 days after his birth and petitioner sought termination at initial disposition. Respondents admitted the allegations in the petition and a best interests hearing was held. Respondents relied heavily on the testimony of their therapist, Celeste Brown, who testified that respondents had progressed tremendously during the course of their therapy. However, the trial court was rightfully dismissive of Brown's testimony, noting that she was acting more like an advocate than a counselor and was ignorant of many of the facts surrounding the case.

The evaluating psychologist, Dr. Joshua Ehrlich, testified that, given the long history of very serious repetitive neglect, the "the likelihood that some different outcome would occur with another child was very small." His evaluation demonstrates that respondent mother had not changed in any significant way in the nearly ten years since the courts first began to intervene. The psychologist recognized that, at the time of his evaluation, respondent mother was still grieving the murder of one of the children in foster care and had not even given birth to Xavier. Still, he testified that, even if the interaction between the mother and Xavier were optimal, it would not have changed his analysis.

¹ This Court affirmed that termination in *In re Lilith Lethbridge*, unpublished opinion per curiam of the Court of Appeals, issued January 24, 2008 (Docket Nos. 278037/278038).

Given respondents' history, and Dr. Ehrlich's testimony, termination of respondents' parental rights to Xavier was not clearly contrary to the child's best interests, and the trial court did not err in terminating their parental rights. At the time of the best interests hearing, respondents' parental rights to seven other children had been terminated. The first five terminations were based on the consistent and severe neglect of the children. The children were required to live in a filthy environment and their personal hygiene and medical needs were at times severely neglected. Efforts to rehabilitate respondents were not successful due in no small part to respondent's failure to acknowledge any wrongdoing. Two more children were removed from their care in 2005 amid equally deplorable home conditions, which respondents acknowledged. Although respondents argue that they have changed considerably, the best interests determination is primarily for the benefit of the child. *Trejo, supra* at 356. Xavier was removed from respondents' care when he was two weeks old. Because termination was sought in the initial petition, no visitation was provided, and the child could not have established a bond with his biological parents. His best interests did not preclude termination of respondents' parental rights.

Affirmed.

/s/ Bill Schuette
/s/ Brian K. Zahra
/s/ Donald S. Owens