

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DOMINIC THOMAS MELTON,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

TONA MELTON,

Respondent-Appellant,

and

DEQUAN HOUSER,

Respondent.

In the Matter of DKWON TIMOTHY MELTON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

TONA MELTON,

Respondent-Appellant,

and

DEQUAN HOUSER,

UNPUBLISHED

August 26, 2008

No. 284065

Macomb Circuit Court

Family Division

LC No. 2007-000211-NA

No. 284066

Macomb Circuit Court

Family Division

LC No. 2007-000212-NA

Respondent.

In the Matter of DENAJAY TAITIANNA
MELTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TONA MELTON,

Respondent-Appellant,

and

DEQUAN HOUSER,

Respondent.

In the Matter of DELAINEA TONARIA
MELTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TONA MELTON,

Respondent-Appellant,

and

DEQUAN HOUSER,

Respondent.

In the Matter of DA'MARION TONIRUS
MELTON, Minor.

No. 284067
Macomb Circuit Court
Family Division
LC No. 2007-000213-NA

No. 284068
Macomb Circuit Court
Family Division
LC No. 2007-000214-NA

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

TONA MELTON,

Respondent-Appellant,

and

DEQUAN HOUSER,

Respondent.

No. 284069

Macomb Circuit Court

Family Division

LC No. 2007-000215-NA

Before: Cavanagh, P.J., and Jansen and Kelly, JJ.

PER CURIAM.

Respondent Tona Melton appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. These appeals have been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that clear and convincing evidence established the statutory grounds for termination of respondent's parental rights. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); MCR 3.977(J).

The condition that led to adjudication was respondent's failure to provide proper care for her children. Respondent argues that because she was complying with the parent agency agreement, this condition no longer existed. At the time of trial, respondent had undergone a psychological evaluation, had obtained housing and a legal source of income but had not completed parenting classes or therapy. Respondent's partial compliance with the parent agency agreement was not sufficient to rectify the condition that led to adjudication. *In re Jackson*, 199 Mich App 22, 27; 501 NW2d 182 (1993). Thus, the trial court did not clearly err in finding that the conditions that led to adjudication continued to exist.

Respondent also contends that it was reasonable to find that she would have completed the parent agency agreement within another six months, and thus there was a reasonable likelihood that the condition would be rectified within a reasonable time. The determination of what is a reasonable time under this subsection includes both how long it will take for the parent to improve the conditions and how long the children can wait for the improvement. *In re Dahms*, 187 Mich App 644, 648; 468 NW2d 315 (1991). These children had been in care for

almost a year at the time of the termination hearing, and respondent still had to complete therapy sessions and parenting classes to address her parenting skills. Based on such evidence, we find that the trial court did not clearly err in finding that there was no reasonable likelihood that the condition would be rectified within a reasonable time considering the children's ages. Thus, termination was warranted under MCL 712A.19b(3)(c)(i).

Respondent's failure to comply with the parent agency agreement was evidence of her failure to provide proper care. *In re Trejo, supra* at 360-363. The same evidence establishing that the condition of adjudication would not be rectified within a reasonable time establishes that respondent is unlikely to be able to provide proper care and custody within a reasonable time. In addition, respondent's failure to fully address her parenting skills and her depressive symptoms posed a risk of harm to the children. Thus, termination warranted under MCL 712A.19b(3)(g) and (j).

Furthermore, the evidence did not establish that the children's best interests precluded termination of respondent-appellant's parental rights. *In re Trejo, supra* at 353; MCL 712A.19b(5). Although there was testimony that the children loved respondent and that there was a bond between the older children and respondent, these children needed a stable, safe, and permanent environment in which to live, which respondent was not ready to provide. While respondent had housing and had a legal source of income, she had not fully addressed her parenting skills by completing parenting classes and therapy sessions during the pendency of this case.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly