

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MATTHEW BRANDON  
DILLON, MICHAEL STEPHEN DILLON, and  
MARK THEODORE DILLON, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELLE CHRISTINE LONG,

Respondent-Appellant,

and

HOWARD RAYMOND DILLON, JR.,

Respondent.

UNPUBLISHED

May 20, 2010

No. 291903

Macomb Circuit Court

Family Division

LC Nos. 2007-000577-NA

2007-000578-NA

2007-000579-NA

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Before: METER, P.J., and MURRAY and BECKERING, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court's order terminating her parental rights to her children under MCL 712A.19b(3)(c)(i) and (j).<sup>1</sup> We affirm.

In order to terminate parental rights, a trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

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<sup>1</sup> Although petitioner also sought termination under MCL 712A.29b(3)(g), the court only addressed subsections (c)(i) and (j) in its findings made on the record.

If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made. [MCL 712A.19b(5).]

We review the trial court's findings for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

We find no clear error in the trial court's determination that the evidence supported termination of respondent-appellant's parental rights under subsections (c)(i) and (j). The condition that led to the adjudication was respondent-appellant's inability to provide the children with a safe environment, related to her failure to protect one of the children from her live-in boyfriend's physical abuse. Despite the fact that the children implicated her boyfriend in the abuse and despite the boyfriend's conviction of child abuse stemming from the allegations, respondent-appellant continued her involvement with, lived with, and remained emotionally and financially dependent on her boyfriend and repeatedly denied that he had hit the child. Respondent-appellant's choice to remain with her boyfriend for at least 17 months after the children's removal from her care posed a serious risk of harm to the children, was clearly detrimental to reunification efforts, and evidenced a serious lack of progress in addressing her issues. Her failure to fully participate in domestic violence counseling, a crucial aspect of her Parent-Agency Agreement (considering her pattern of involvement with domestically violent partners), further indicated that the children would be at a substantial risk of harm if returned to her custody. See, generally, *Trejo*, 462 Mich at 346 n 3.

Under the circumstances, the efforts respondent-appellant made to comply with the terms of her Parent-Agency Agreement were not enough to ensure that the children would be safe in her custody. The evidence clearly and convincingly established that she failed to rectify the domestic-violence issues that led to the adjudication and was not reasonably likely to do so within a reasonable time considering the ages of the children. MCL 712A.19b(3)(c)(i). The evidence also clearly and convincingly established that there was a reasonable likelihood that the children would be harmed if returned to respondent-appellant's care. MCL 712A.19b(3)(j). Although the children were older and had a longstanding relationship with respondent-appellant, testimony indicated a "very definite need" for safety, stability, and predictability, which respondent-appellant clearly could not provide, considering her lack of progress during the proceedings.

We disagree with respondent-appellant's argument that termination was improper because she had separated from her boyfriend by the time of the termination hearing. Indeed, testimony indicated a likelihood of future involvement with him. Aside from the very recent nature of their alleged separation, which reportedly occurred only one month before the termination hearing, their relationship was longstanding. Respondent-appellant was emotionally and financially dependent on her boyfriend and had been unable to separate from him, despite her intentions otherwise, multiple times during the proceedings, even though his presence was a serious detriment to reunification with her children. It is also noteworthy that respondent-appellant had not ended all ties with the boyfriend by the time of the termination hearing because she continued to use his car for transportation, and it remained titled and insured in his name. Moreover, respondent-appellant had a serious need for additional therapy to address her domestic violence issues. Under such circumstances, we find no clear error in the trial court's

finding that respondent-appellant failed to take enough steps in a timely manner to separate from her boyfriend and did not adequately address the domestic violence issues within the home. *Trejo*, 462 Mich at 356-357 (discussing the standard of review).

We likewise find no clear error in the court's determination that termination was in the children's best interests, considering respondent-appellant's failure to make meaningful progress toward rectifying the domestic-violence issues in her home. MCL 712A.19b(5). We recognize that the children, who were older, had a longstanding relationship with respondent-appellant. However, all the children had anxieties and fears about the domestic violence they witnessed while in her care, expressed fear about returning home, and had a "very definite need" for a safe, stable, and predictable environment. Unfortunately, respondent-appellant could not provide the environment necessary for the children's well-being, considering her conduct during the proceedings and her failure to adequately address her domestic-violence issues. She also did not have suitable housing for the children at the time of the termination hearing. The children were doing "very well" in their relative placement, which provided them with the stable and safe environment they needed. Under such circumstances, it would be detrimental for the children to wait for respondent-appellant to work toward reunification, and the trial court did not clearly err in terminating her parental rights instead of further delaying their permanency and stability.

Affirmed.

/s/ Patrick M. Meter  
/s/ Christopher M. Murray  
/s/ Jane M. Beckering