

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AUNYAI ANYIA CHESTER-
JOHNSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEONDRA DENETTE JOHNSON,

Respondent-Appellant,

and

ANTIONE TONY CHESTER,

Respondent.

In the Matter of MEDASHIA JOHNSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEONDRA DENETTE JOHNSON,

Respondent-Appellant,

and

ANTIONE TONY CHESTER,

Respondent.

UNPUBLISHED

March 17, 2009

No. 287193

Kent Circuit Court

Family Division

LC No. 06-055644-NA

No. 287194

Kent Circuit Court

Family Division

LC No. 06-055645-NA

In the Matter of DE'ASHIA DENEAL JOHNSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEONDRA DENETTE JOHNSON,

Respondent-Appellant,

and

ANTIONE TONY CHESTER,

Respondent.

No. 287195
Kent Circuit Court
Family Division
LC No. 06-055646-NA

In the Matter of AUNYAI ANYIA CHESTER-
JOHNSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANTIONE TONY CHESTER,

Respondent-Appellant,

and

DEONDRA DENETTE JOHNSON,

Respondent.

No. 287197
Kent Circuit Court
Family Division
LC No. 06-055644-NA

In the Matter of MEDASHIA JOHNSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANTIONE TONY CHESTER,

Respondent-Appellant,

and

DEONDRA DENETTE JOHNSON,

Respondent.

No. 287198
Kent Circuit Court
Family Division
LC No. 06-055645-NA

In the Matter of DE'ASHIA DENEJA JOHNSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANTIONE TONY CHESTER,

Respondent-Appellant,

and

DEONDRA DENETTE JOHNSON,

Respondent.

No. 287199
Kent Circuit Court
Family Division
LC No. 06-055646-NA

Before: Murphy, P.J., and Fitzgerald and Markey, JJ.

PER CURIAM.

In these consolidated appeals, respondents Deondra Johnson and Antione Chester both appeal as of right from the trial court's order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to each respondent. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The evidence showed that respondent Johnson participated in several substance abuse treatment programs during the 18-month period of court involvement, but continued to test positive for illegal drugs during this period, most recently in March 2008. Although she had recently completed another drug treatment program, she had a significant history of relapsing after being involved in drug treatment and she still had not completed the recommended counseling to help her learn healthier coping skills. In addition, at the time of the termination hearing, she was living with friends and relatives and had no suitable home for the children.

Although respondent Chester made progress in addressing the issue of substance abuse, he failed to satisfactorily address the issue of domestic violence. In addition, he failed to maintain stable employment; he was fired from at least two jobs and quit another, and stated that he had lost several jobs because of his temper and angry outbursts. Although he was employed at the time of the termination hearing, his job did not provide sufficient income to support him and the children. Respondent Chester also lacked appropriate housing for the children, having been evicted from his home in May 2008. He was living at a hotel at the time of the termination hearing.

Further, contrary to the arguments presented by both respondents, the trial court did not clearly error in its evaluation of the children's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357.¹ The evidence showed that all three children had special needs and that neither respondent was equipped to meet those needs. Moreover, the oldest child was afraid of respondent Chester because of his violent outbursts. Further, the evidence regarding substance abuse, domestic violence, and the lack of suitable housing all weigh against respondents relative to the children's best interests. In addition, the caseworker testified that termination of

¹ Pursuant to an amendment of MCL 712A.19b(5) by the Legislature, 2008 PA 199, a trial court must now find, in addition to a statutory ground for termination, "that termination of parental rights is in the child's best interests." This amendment was made effective July 11, 2008. Prior to amendment, MCL 712A.19b(5) provided that termination was to be ordered if a statutory ground was established unless termination was clearly not in a child's best interests. Here, the trial court issued its ruling from the bench on July 21, 2008, but applied the pre-amendment version of MCL 712A.19b(5). However, the termination hearing itself, conducted over two days, was held before July 11, 2008. Moreover, both respondents present their best-interest arguments under the prior version of the statute.

respondents' parental rights was in the children's best interests so as to provide them with the permanence they needed. Accordingly, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ William B. Murphy
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey