

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* J. L. DILLON, Minor.

UNPUBLISHED  
April 21, 2015

No. 321751  
Menominee Circuit Court  
Family Division  
LC No. 11-000083-NA

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Before: METER, P.J., and SAWYER and BOONSTRA, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court’s order terminating her parental rights to a minor child under MCL 712A.19b(3)(c)(ii), (g), and (j). Respondent challenges the trial court’s finding that termination was in the child’s best interests. We affirm.

This Court reviews best-interests determinations for clear error. *In re Rood*, 483 Mich 73, 90-91; 763 NW2d 587 (2009); MCR 3.977(K). To be clearly erroneous, a decision must be more than maybe or probably wrong. *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009). Clear error exists “if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court’s special opportunity to observe the witnesses.” *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

Respondent does not challenge the trial court’s determination that there were statutory grounds for terminating her parental rights pursuant to MCL 712A.19(b)(3)(c)(ii), (g), and (j). Once a statutory ground is established, the court must determine, using a preponderance-of-the-evidence standard, whether it is in the child’s best interests to terminate a respondent’s parental rights. MCL 712A.19b(5); *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013).

In 2011, respondent’s son was removed from her care after the Michigan Department of Human Services (DHS) filed an abuse-and-neglect petition because of the filthy condition of respondent’s home and medical neglect. The child has serious medical conditions, including schizencephaly (a split-brain disorder), septo-optic dysplasia (characterized by an underdeveloped optic nerve), and cerebral palsy. His conditions require extensive medical care.

Respondent was provided with a case-services plan. Respondent was to achieve emotional stability and obtain and maintain independent housing and employment. Additionally, she was to earn her GED and get a driver’s license. Respondent received numerous services, including a mental-health evaluation and counseling. She received assistance with employment, subsidized housing, and transportation. The court also appointed a Court Appointed Special

Advocate (CASA) volunteer. The record shows that respondent repeatedly failed to follow through with tasks and often would accomplish very little due to her obsessive thought process. For more than two years, respondent was consistently unwilling or unable to benefit sufficiently from the provided services. Respondent's parental rights were terminated in April 2014 because she had failed to substantially comply with and benefit from her case-services plan.

Respondent argues that the trial court's best-interests determination was clearly erroneous. Respondent emphasizes that she had a significant emotional bond with her child. Respondent asserts that she had family support and was able to tend to her child's medical needs, noting that she attended over 40 medical appointments while her child was in foster care and displayed a significant knowledge of her child's diagnoses and symptoms.

The parent-child bond is simply one factor among many for the court to consider when making a best-interests determination. "In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted). A trial court may also consider a parent's history. See *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009).

Although there was evidence of a parent-child bond, the proofs also showed that respondent, after being provided with a plethora of services, did not have suitable housing or financial stability. Additionally, the evidence showed that respondent continued to lead a chaotic life. She lacked basic time-management and organizational skills necessary for parenting a child, much less a child with serious and life-long special needs. The CASA volunteer and guardian ad litem both recommended that respondent's parental rights be terminated despite the child's bond to respondent. The CASA volunteer reported to the trial court that respondent was "not capable of taking care of herself let alone a very special needs boy." The proofs also showed that respondent's love for her child was evidently an insufficient incentive for her to consistently follow through with basic tasks so that she could live independently from her mother, with whom she had a problematic relationship. Respondent admitted during the termination hearing that she did not follow through with tasks. The trial court stated, "A vital service is identified. She resist[s]. Then she consents. Then she misses it, and then blames it on some other factor than herself." The assurance of family support from respondent's mother did not serve to overcome the identified problems. We note, in fact, that the codependent relationship between respondent and her mother had been an ongoing barrier for reunifying respondent with her child. The record also showed that the child had thrived in foster care. Our review of the record leads us to conclude that the trial court did not clearly err in finding that termination was in the child's best interests.

Lastly, respondent's claim that the trial court erred because it provided a limited discussion of the child's best interests is meritless. First, the trial court's findings were, in fact, fairly detailed. Moreover, a trial court's findings need not be extensive; "[b]rief, definite, and pertinent findings and conclusions on contested matters are sufficient." MCR 3.977(I)(1).

Affirmed.

/s/ Patrick M. Meter  
/s/ David H. Sawyer  
/s/ Mark T. Boonstra