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STATE OF MICHIGAN

COURT OF APPEALS

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In re JONES/JOHNSON, Minors.

No. 376972
Oakland Circuit Court
Family Division
LC No. 2021-883921-NA

In re JOHNSON, Minors.

No. 377027
Oakland Circuit Court
Family Division
LC No. 2021-883921-NA

Before: CAMERON, P.J., and MALDONADO and WALLACE, JJ.

PER CURIAM.

In these consolidated appeals, respondent-mother appeals as of right the termination of her parental rights regarding KLJ, KAJ, JDJ-1, JDJ-2, JKJ, and JDJ-3, and respondent-father appeals as of right the termination of his parental rights regarding JDJ-1, JDJ-2, and JKJ.[1] Respondents' parental rights were terminated under MCL 712A.19b(3)(c)(*i*) (conditions that led to adjudication

[1] Respondent-father never established paternity of JDJ-3. KLJ and KAJ's legal father was named as a respondent is this matter but died during the pendency of these proceedings. Accordingly, any reference to respondent-father in this opinion refers to respondent-father Johnson.

continue to exist), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood of harm if the child is returned to the parent). We affirm.[2]

I. BACKGROUND

This family came to the attention of the Department of Health and Human Services (DHHS) in June 2021 after an allegation of improper supervision of the older boys, KLJ and KAJ. The boys entered a neighbor's home without permission, took a firearm, and then pointed it at people in the neighborhood and even discharged the weapon. Further, in October 2021, respondent-mother gave birth to JKJ who tested positive for THC[3] and cocaine at birth.

After initially referring respondent-mother to a program focused on providing support and services to the family, in December 2021, the DHHS filed a petition initiating these child-protective proceedings, naming respondent-mother. In April 2022, respondent-mother pleaded no contest to allegations in the petition, and the trial court exercised jurisdiction over KLJ, KAJ, JDJ-1, JDJ-2, and JKJ. The children remained in respondent's care, under the supervision of the DHHS. In October 2022, the DHHS filed a supplemental petition, naming respondent-father. The DHHS alleged that respondent-mother failed to complete in-home services, which were terminated because of respondent-mother's noncompliance. Although respondent-father had lived with respondent-mother throughout the proceedings, he had refused to participate in the in-home services and denied any issues. Moreover, the DHHS also alleged that respondent-mother and respondent-father engaged in substance abuse and domestic violence. Respondent-father later also pleaded no contest to the allegations in the supplemental petition.

During these proceedings, respondent-mother was placed on 12 months of probation after pleading guilty to failure to return rental property, MCL 750.362a(3)(a). Respondent-mother was on probation throughout this entire proceeding because her probation was extended until she paid the full amount of restitution. Then in January 2023, a warrant for respondent-mother's arrest was issued because she violated her probation by testing positive for drugs. At this time, respondent-mother was also pregnant with JDJ-3.

Throughout the proceedings, the children exhibited serious behavioral problems. Notably, in February 2023, KLJ and KAJ were involved in an altercation with a neighbor, and the police

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[2] Although we affirm the trial court's decision to terminate both respondents' parental rights, it bears mention that respondent-mother's brief on appeal is severely lacking in light of the long history and circumstances of this case. Notably, respondent-mother's brief is only 10 pages, and the argument section is at most 2 double-spaced pages. It is also concerning that both respondents' briefs discuss a child that does not exist and is not involved in this appeal. It is possible that this is simply a typo in the parties' briefs, but the misspellings differ significantly from the names of any of the children involved in these proceedings. Therefore, it is not clear what child, if any, was being discussed by respondents.

[3] "Tetrahydrocannabinol, or THC, is the physiologically active component of marijuana." *People v Koon*, 494 Mich 1, 3 n 3; 832 NW2d 724 (2013), citing Stedman's Medical Dictionary (26th ed), p 1791.

were called.[4] The police report indicated that the neighbor had bite marks on her body and had reportedly been struck with a wooden stick or pole. In addition, at the review hearing in the same month, it was reported that JDJ-2 had "ripped a chunk of hair off a staff member" and was "flipping over tables and chairs" at Head Start, dumping toys, and leaving the classroom. Further, JDJ-2 was referred for mental-health counseling, and the lawyer guardian ad litem (LGAL) requested that all the children be referred for trauma assessments.

In February 2023, the trial court determined that removal of the children was necessary. The trial court explained that it was concerned that the children had been exposed to violence on multiple occasions in the home and that the children were learning poor behaviors. Although respondent-mother had been provided numerous services and been successful with substance-abuse counseling, having only one positive drug screen, she was not regularly participating in services. Further, the trial court did not want the children to be returned to an environment with criminal activity. As there was no safety plan in place in the event that respondent-mother was arrested, which was a possibility due to the warrant for her arrest, the trial court ordered the removal of the children.

In April 2023, the DHHS reported that respondent-mother was complying with her case service plan and her recent drug screens had been negative. In addition, parenting time had gone well, and both respondents attended every parenting time that they were offered. As respondents were cooperative, the DHHS recommended that all the children be returned to respondents' care, under the supervision of the DHHS. Although the trial court expressed concern with KLJ's and KAJ's aggressive behaviors, the trial court followed the DHHS's recommendation, and the children were returned to respondents' care. Respondent-mother signed a new case service plan, but respondent-father did not. Shortly after the children were returned, JDJ-3 was born. A petition concerning JDJ-3 was ultimately filed, though not right away.

Following the children's trauma assessments that occurred in May 2023, the DHHS reported that the children were doing very well and that respondents were complying with services and participating in therapy. However, this progress was short lived. Later that same month, respondent-father was charged with aggravated domestic violence against respondent-mother, MCL 750.81a(2). Respondent-father was sentenced to two years of probation and was prohibited from having contact with respondent-mother. Respondent-father moved out of respondent-mother's home and was discharged from parenting education service because he failed to attend the classes. Respondent-father then stopped communicating with the DHHS and did not attend any of the subsequent proceedings in this matter until 2025 when he was in jail for violating his probation.

With regard to respondent-mother, in October 2023, the police were notified that a person had been robbed after visiting respondent-mother's home. When the police arrived, respondent-mother was not there, and the police noted that the children present were "unkept" and "smelly as if they hadn't showered recently." The police also noticed that the home was "pretty dirty and unkept" and was "infested with bugs" that were "crawling all over the place." JDJ-3 was left alone

[4] Respondent-mother was also involved in this altercation and when police knocked on the door of respondent-mother's home, no one answered.

on the couch and had "some roaches crawling on her" along with "multiple" bug bites. Respondent-mother did not return despite attempts to contact her, so the children were taken to the police station. During that time, KAJ had attempted to touch an officer's pistol "multiple times" and had kicked and yelled at the officer.

When respondent-mother arrived at the police station, she admitted that she had been with respondent-father. With regards to the alleged robbery, respondent-mother stated that she worked as a prostitute and that the complaining witness was one of her clients. The police did not find any evidence to support that respondent-mother was involved in the robbery; however, they contacted CPS. As a result, CPS learned that respondent-mother had taken JDJ-1, JDJ-2, and JKJ with her to see respondent-father and that she left KLJ, KAJ, and JDJ-3 alone in the home. CPS also learned that KLJ and KAJ had been suspended from school because of behavioral issues, and that KAJ had not taken his ADHD medication because respondent-mother had not refilled it for several months. CPS also received a complaint that KAJ had stolen respondent-mother's car and crashed it.

Between August 2023 and October 2023, respondent-mother did not submit to any substance screening, and in November 2023, the DHHS filed a second supplemental petition requesting removal of the children from respondent-mother's care. The trial court authorized the petition and ordered removal.

Throughout 2024, respondent-mother inconsistently submitted to substance screenings, largely refused to participate in substance abuse services and therapeutic parenting times, failed to maintain consistent employment, and did not do well in parenting times. KAJ acted aggressively and violently toward respondent-mother during parenting times and threatened, swore at, and shoved a DHHS worker. At one point, the police had to be called to calm KAJ down because respondent-mother could not. When KAJ calmed down, respondent-mother refused to talk to him. At that time, KAJ was suspended from school. The other children also struggled during parenting times. In one instance when parenting time was ended early, KLJ pushed the caseworker down and JDJ-1 and JDJ-2 "had a pretty serious tantrum." When respondent-mother briefly returned to retrieve something from the room, she did not attempt to assist the caseworker in calming down the children, and it reportedly took 10 caseworkers to calm the children down. At other parenting times, JDJ-2 climbed on chairs and urinated on the floor and KLJ started to "assault and batter another worker." Respondent-mother blamed the caseworker for the children's behaviors.

Finding that the parenting times were emotionally harmful to the children, the DHHS requested that respondent-mother's parenting time be suspended. The trial court agreed with the request and respondent-mother's parenting time remained suspended for the majority of the year. When parenting time did occur, the children struggled emotionally, and respondent-mother struggled to meet their needs.[5]

[5] Additionally, KLJ was sent to Whaley Children's Center, a residential treatment facility to address his behavioral issues. KLJ remained at Whaley from January 2024 through the termination proceeding.

In March 2025, the trial court noted respondent-mother's failure to engage in services and expressed concern that respondent-mother continued to be in a relationship with respondent-father, which she denied. The trial court changed the permanency planning goal to adoption and ordered the DHHS to file a termination petition.

In April 2025, respondent-father was sentenced to 60 days in jail because he violated his probation for the aggravated domestic violence charge. Notably, the first time the DHHS had contact with respondent-father since June 2023 was while he was in jail; however, even then, respondent-father made it clear that he did not need to participate in services and did not want to speak with the caseworker. In addition, the DHHS acquired respondent-father's messages and phone recordings from the jail and confirmed that respondents were in constant communication despite respondent-mother's statements that they were not.

In June 2025, respondent-mother's parenting time was again suspended because it was reported that it was harmful to the children. That same month, respondent-mother tested positive for cocaine and alcohol. Accordingly, the DHHS petitioned the trial court to terminate respondents' parental rights to the children. At the termination hearing in July 2025, the caseworker testified about respondent-mother's lack of sufficient progress, respondent-father's complete lack of progress, and the children's significant needs because of the neglect and trauma they endured.

The trial court then found that respondent-mother did not want to "directly face" her "parenting deficits," substance abuse, and issues with domestic violence, and that respondent-mother blamed others for her issues instead of benefiting from services. The trial court found that the children experienced trauma and neglect in respondent-mother's care and that the children were not emotionally or physically safe. With regard to respondent-father, the trial court found that he entirely failed to participate in services, had not seen his children since June 2023, and had not communicated with the DHHS or his counsel until he was incarcerated in May 2025. The trial court determined that respondent-father had demonstrated no desire to parent his children and that the children were not emotionally or physically safe in respondent-father's care.

The trial court found that termination was in the children's best interests and held that termination of the respondents' parental rights were proper under MCL 712A.19b(3)(c)(*i*), (g), and (j). Both respondents appeal.

II. ANALYSIS

Respondents argue that the trial court clearly erred by finding termination of their parental rights was in the best interests of their respective children. We disagree.

A. STANDARD OF REVIEW AND RELEVANT AUTHORITY

"We review for clear error the trial court's determination of best interests." *In re Sanborn*, 337 Mich App 252, 276; 976 NW2d 44 (2021). "A finding of fact is clearly erroneous 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." *Id*. (quotation marks and citation omitted). "Appellate courts are obliged to defer to a trial court's factual findings at

termination proceedings if those findings do not constitute clear error." *Id*. (quotation marks and citation omitted).

Before a trial court may terminate parental rights, the court is required to find by a preponderance of the evidence that termination is in the child's best interests. *Id*. at 277. "Parents have a significant interest in the companionship, care, custody, and management of their children, and the interest is an element of liberty protected by due process." *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). However, "[t]he focus at the best-interest stage has always been on the child, not the parent." *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022) (quotation marks and citation omitted).

"In making its best-interest determination, the trial court may consider the whole record . . . ." *In re Medina*, 317 Mich App 219, 237; 894 NW2d 653 (2016) (quotation marks omitted). The court may consider factors including "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*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted). When considering the child's bond to the parent, whether the existing bond is healthy for the child is also a relevant consideration. See *In re CR*, 250 Mich App 185, 196-197; 646 NW2d 506 (2001), overruled on other grounds *In re Sanders*, 495 Mich 394, 422-423; 852 NW2d 524 (2014). See also *In re Pederson*, 331 Mich App 445, 477; 951 NW2d 704 (2020). "The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014). Moreover, we consider the length of time that the child has been removed from a parent and whether it was likely "that the child could be returned to [his or] her parents' home within the foreseeable future, if at all." *In re Frey*, 297 Mich App 242, 249; 824 NW2d 569 (2012).

"[T]he trial court has a duty to decide the best interests of each child individually." *In re Olive/Metts Minors*, 297 Mich App at 42. "[I]f the best interests of the individual children *significantly* differ, the trial court should address those differences when making its determination of the children's best interests." *In re White*, 303 Mich App at 715.

B. RESPONDENT-MOTHER

In the present case, the trial court considered each child individually and found that termination of respondent-mother's parental rights was in the children's best interests because the bonds with respondent-mother were unhealthy and minimal, the children were not physically or emotionally safe in respondent-mother's care, the children were doing much better in the care of their foster parents, and the children required permanence, stability, and guidance which respondent-mother could not provide. The trial court also emphasized respondent-mother's failure to benefit from the many services offered by the DHHS, and the trauma endured by the children, which resulted in behavioral problems that had improved when the children were removed from respondent-mother's care. We agree that termination of respondent-mother's parental rights was in the children's best interests.

Respondent-mother first argues that she was bonded with KLJ, KAJ, and JKJ.[6] Respondent-mother does not provide any support for this argument. Further, this argument is clearly contrary to the record and the trial court's findings.

Regarding KLJ, the trial court found that respondent-mother and KLJ were bonded. However, it further found that KLJ had "an unhealthy attachment" to respondent-mother and that the bond was "significantly diminished" after respondent-mother's parenting time with KLJ was suspended and she did not submit the paperwork to reinstate it, causing KLJ to become angry and disappointed with respondent-mother. The trial court also noted that KLJ had been placed in Whaley Children's Center and had received several different services throughout the proceedings to address his significant needs, and that his needs had been met only once he was removed from respondent-mother's care. The trial court also explained that KLJ made noticeable progress in therapy when his parenting time with respondent-mother was suspended because KLJ was able to put his needs first, and that KLJ indicated that he did not want to return to respondent-mother's care, be physically disciplined again, or assume a parental role with his siblings.

Regarding KAJ, the trial court found that respondent-mother and KAJ also had an unhealthy bond and respondent-mother had not demonstrated an ability to parent KAJ. The trial court explained that KAJ's bond with respondent-mother was "destructive to his own well-being" noting that KAJ exhibited extremely delinquent behavior while in respondent-mother's care, which respondent-mother failed to address. The trial court also noted that although only 11-years-old at the time of the termination hearing, KAJ had engaged in "a lot of unsafe, sometimes illegal behavior" including: threatening neighborhood children with a gun, which resulted in criminal proceedings being initiated; driving respondent-mother's vehicle and crashing it; and assaulting and battering others, including a neighbor and caseworkers. The trial court also found that KAJ did not make significant progress in therapy during the proceedings because he wanted to protect respondent-mother, refused to openly discuss his past trauma, and put respondent-mother's needs before his own. However, it noted that KAJ's needs were now being met "as best as possible by his foster parent and service providers" and that respondent-mother could not meet his needs because she could not acknowledge "the problems she created for him."

Regarding JDJ-1, the trial court noted that JDJ-1 suffered a significant amount of trauma in respondent-mother's care, and after parenting times resumed in December 2024, JDJ-1 displayed symptoms of post-traumatic stress disorder (PTSD) having a "very visceral reaction crying, sobbing, shaking." The trial court further found that "whatever bond he's had with his mother no longer exists" and that JDJ-1 reported that he had nightmares and questioned whether he and his siblings would be safe if returned to respondent-mother. The trial court also noted JDJ-1 "has done more work than any of his other siblings to deal with his trauma" and that respondent-mother is "unable to give him what he needs from a parent."

Regarding JDJ-2, the trial court explained that JDJ-2 appeared to be confused as to who his parents were but that he was "certain that his foster family is his family and that he feels safe and taken care of there." In contrast, the trial court found that although JDJ-2 had a bond with

[6] Notably, respondent-mother admits that she was not bonded with JDJ-3, and she does not mention any bond with JDJ-1 or JDJ-2.

respondent-mother, it was not a strong connection because he did not turn to respondent-mother for parental comfort or guidance. Further, the trial court explained that JDJ-2's anxiety and trauma could not be managed or addressed by respondent-mother because she refused to acknowledge that JDJ-2 had experienced trauma. It also found that JDJ-2 had "significant needs" that respondent-mother did not try to understand or provide for, and if JDJ-2 were returned his needs would not be met because he "will not make any effort to seek out any support or guidance or assistance."

Regarding JKJ, the trial court noted that respondent-mother used drugs while pregnant with JKJ, who was born with substances in his system. It also found that he had "incredibly intense behaviors," was "very physical with other kids" and adults, and required consistent monitoring and redirection. The trial court further explained that there was no indication JKJ viewed respondent-mother as an authority figure or that she would ensure he received the services he required to address his behavioral issues. The trial court noted that JKJ also regressed in toilet training when respondent-mother's parenting times resumed in December 2024 because he craved attention from respondent-mother, who was unable to provide it because she was overwhelmed when caring for all the children. The trial court found that although JKJ had a bond with respondent-mother, it appeared "to be one more on the need for her to pay attention to him" because JKJ did not "seek love, nurturing and guidance from her."

Finally, regarding JDJ-3, the trial court found that JDJ-3 was not bonded with respondent-mother. It explained that JDJ-3 was placed in the DHHS's care when she was six months old and that she never returned to respondent-mother's care, and respondent-mother's parenting times were suspended between March 2024 and December 2024. The trial court also noted that when parenting times resumed, JDJ-3 did not want respondent-mother to hold her and did not really interact with respondent-mother, and when JDJ-3 eventually sat with respondent-mother, she was very quiet. In contrast, the trial court explained that JDJ-3 was animated and talkative in the foster home. The trial court also found that there was no indication that respondent-mother understood JDJ-3's needs, or that JDJ-3 looked to respondent-mother to meet her needs.

The parent-child bond is only one factor for the trial court to consider, see *In re Olive/Metts Minors*, 297 Mich App at 41-42. The trial court also found that the other factors supported a finding that termination was in the children's best interests.

Respondent-mother argues that the fact that she was employed and had housing, weighed against termination. The trial court acknowledged that respondent-mother had housing and usually had employment, however it noted that respondent-mother's ability to provide stability for the children was questionable. Specifically, the trial court emphasized that respondent-mother failed to benefit from the case service plan during the lengthy proceedings, and she refused to accept feedback or responsibility for her role in the children's trauma. The trial court further explained that respondent-mother tested positive for alcohol and cocaine in the weeks leading up to termination, failed to address her issues with domestic violence and poor parenting ability, and lied about her continued relationship with respondent-father. See *In re Simpson*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 368248); slip op at 8 (noting that a parent's history of substance abuse and the ability to provide a safe and stable home is relevant to the best-interest determination). The trial court also acknowledged that respondent-mother could "give the children love and affection" but could not give them appropriate guidance.

In contrast, the trial court found that the children were doing well in their placements. KAJ, JDJ-1, JDJ-2, JKJ, and JDJ-3 had healthy attachments and bonds with their foster parents, who wanted to provide the children with permanency. JDJ-1 and JKJ were placed in the same foster home, and review of the file reflects all the foster parents were willing to adopt. At the time of termination, KLJ was still placed at Whaley, where he had been since January 2024, but was developing a bond with his paternal grandfather, and the caseworker hoped KLJ could be placed with him in the future. Although the paternal grandfather might have been interested in adopting KLJ, the child was not placed with a relative at the time of termination; therefore, contrary to respondent-mother's argument, this possible placement with a relative does not have any bearing on the best interest analysis. Notably, the trial court nonetheless found that it was still in KLJ's best interests to terminate respondent-mother's parental rights. *In re Alexander*, ___ Mich App ___, ___ NW3d ___ (2025) (Docket Nos. 369324 and 369325); slip op at 8 (explaining that a trial court "may terminate parental rights in lieu of placement with relatives if it finds that termination is in the child's best interests").

Lastly, respondent-mother argues that the fact that the children were all bonded to each other but were put in different placements weighed against termination. Although termination resulted in some of the children being separated, the trial court found that termination was still in their best interests because their extensive individual needs could be met by their caretakers. "Although in most cases it will be in the best interests of each child to keep brothers and sisters together . . ., if keeping the children together is contrary to the best interests of an individual child, the best interests of that child will control." *In re Olive/Metts Minors*, 297 Mich App at 42 (quotation marks and citations omitted). Notably, the trial court emphasized the significant needs of each child and how those needs were met by the children's caretakers, and how those needs could not be met by respondent-mother.

In sum, the trial court appropriately considered the best-interest factors and clearly explained how each factor weighed in favor of termination. Accordingly, the trial court did not clearly err by finding that termination of respondent-mother's parental rights was in the children's best interests.

C. RESPONDENT-FATHER

The trial court also found that termination of respondent-father's parental rights was in the children's best interests because the children's bond with respondent-father was weak or nonexistent, respondent-father "showed no inclination to do anything as a parent," the children were doing much better with their foster parents, and the children needed stability, safety, and permanency which respondent-father would not and could not provide. We agree that termination of respondent-father's parental rights was in the children's best interests.

Respondent-father first argues there "was at least some kind of bond" between him and his children. Respondent-father does not provide any support for this argument, and it is clearly contrary to the record and the trial court's findings.

Regarding respondent-father's bond with his children, the trial court found that whatever bond that existed between respondent-father and JDJ-1, JDJ-2, and JKJ was minimal and unhealthy. The trial court noted that at the time of termination, respondent-father had not seen his

children for more than two years because he refused to participate in the proceedings. Regarding JDJ-1, the trial court noted that he had "no bond to his father at all" and that he saw respondent-father "in a very negative light." Regarding JDJ-2, the trial court explained that there appeared "to be a weak bond present" but that the bond was more of "a bond with the idea of what he thinks [respondent-father] should be rather than what he is." The trial court also noted that JDJ-2 did not include respondent-father in his family portraits, which demonstrated "estrangement" and beliefs that respondent-father was not "integral" to his family unit. Regarding JKJ, the trial court explained that JKJ did not have a bond with respondent-father anymore because respondent-father had not "engaged in any effort to be a parent" and because respondent-father had been "absent for much of his life."

Additionally, as found by the trial court, other record evidence also supported the finding that termination was in the children's best interests. The trial court noted that respondent-father had "never complied with his agency treatment plan," had failed to see his children, and had "effectively ghost[ed] everyone involved in helping the family." Notably, on appeal, respondent-father acknowledges that he did not engage with the DHHS or comply with services because he believed that it was better to do nothing. However, as properly found by the trial court, because respondent-father did nothing, respondent-father never demonstrated he had stable housing or employment, and he did not address his issues with domestic violence, substance abuse, and poor parenting skills—the same issues that initially led to the children's removal.

In contrast, the trial court explained that JDJ-1, JDJ-2, and JKJ were doing well in their placements. They had healthy attachments and bonds with their foster parents, who wanted to provide them with permanency and were willing to adopt. JDJ-1 and JKJ were placed in the same foster home. Although JDJ-1 and JKJ were separated from JDJ-2 because of the termination, it was in their best interests because they required safety, stability, and permanency, which respondent-father could not provide but their caretakers could. See *In re Olive/Metts Minors*, 297 Mich App at 42. See also *In re Simpson*, ___ Mich App at ___; slip op at 8. Accordingly, the trial court did not clearly err by finding that termination of respondent-father's parental rights was in the children's best interests.

Affirmed.

/s/ Thomas C. Cameron
/s/ Allie Greenleaf Maldonado
/s/ Randy J. Wallace