

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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*In re* M. HOLT, Minor.

UNPUBLISHED  
February 18, 2021

No. 353203  
Genesee Circuit Court  
Family Division  
LC No. 18-134862-NA

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Before: M. J. KELLY, P.J., and RONAYNE KRAUSE and REDFORD, JJ.

PER CURIAM.

Respondent appeals as of right the trial court’s order terminating her parental rights to the minor child, MH, under MCL 712A.19b(3)(a)(*ii*) (parent has deserted child for 91 or more days and has not sought custody during that period), (c)(*i*) (conditions that led to adjudication continue to exist), (c)(*ii*) (failure to rectify other conditions), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood of harm if returned to parent).<sup>1</sup> We affirm.

I. BACKGROUND

In February 2018, the Department of Health and Human Services (DHHS) filed a petition requesting in-home jurisdiction on the basis of drug abuse and unsuitable living conditions. DHHS alleged that respondent had a history of drug abuse, particularly with cocaine, and that respondent’s home was unsuitable in part because MH slept on the couch. At the preliminary hearing, the referee authorized the petition with in-home jurisdiction and ordered that respondent be referred to drug court.

Respondent attempted drug rehabilitation on numerous occasions but completed only one program. During August 2018, the trial court ordered respondent to participate in residential treatment at the Odyssey House. Respondent began treatment but self-discharged nine days later because she did not want to be told what to do and when to do it. Respondent missed the majority of her random drug screens and continued to test positive for cocaine throughout her time in drug

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<sup>1</sup> During the proceedings, the trial court also terminated the parental rights of MH’s father. He is not a party to this appeal.

court. Respondent also tested positive for alcohol or self-reported that she used alcohol on four occasions. In September 2018, DHHS filed a removal petition on the ground that respondent failed to comply with the drug court requirements and that she left the Odyssey House against court order. The trial court authorized the petition and removed MH from respondent's care. Shortly after MH's removal from respondent's care, the drug court terminated respondent because of noncompliance. The trial court denied respondent's request to be allowed to reenter drug court.

Respondent went to Indianapolis for one or two months in the summer of 2019 to be with her "support system" there. Respondent failed to drug screen in Indiana even though DHHS provided her with a list of locations at which she could have screened. The trial court suspended respondent's parenting time in late September 2019 because she had not visited MH since May 2019. The trial court terminated respondent's parental rights on February 13, 2020. This appeal followed.

## II. REASONABLE EFFORTS

First, respondent argues that the DHHS failed to provide reasonable efforts to reunify her with MH because it failed to refer her for a psychological evaluation or for mental health services and because DHHS failed to make sufficient efforts to connect her with her parent partner. We disagree.

We review for clear error a trial court's factual findings regarding whether petitioner made reasonable efforts to preserve and unify the family. *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005). "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re Schadler*, 315 Mich App 406, 408; 890 NW2d 676 (2016) (quotation marks and citation omitted).

Generally, "the [DHHS] has an affirmative duty to make reasonable efforts to reunify a family before seeking termination of parental rights." *In re Hicks/Brown*, 500 Mich 79, 85; 893 NW2d 637 (2017), citing MCL 712A.18f(3)(b) and (c); MCL 712A.19a(2). To make reasonable efforts, DHHS adopts a service plan aimed at rectifying the conditions that caused the child's removal. *In re Fried*, 266 Mich App at 542. See also MCL 712A.18f(3)(d) (stating that the service plan shall include a "[s]chedule of services to be provided to the parent . . . to facilitate the child's return to his or her home"). Although DHHS "has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of the respondent[] to participate in the services that are offered" and "demonstrate that [he or she] sufficiently benefited from the services provided." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012).

The record reflects that respondent failed to comply with the services that were offered to her, including parenting classes, substance abuse therapy, and drug screens. Although DHHS did not make a referral for a psychological evaluation, respondent repeatedly indicated that she understood what she had to do to gain reunification. The record does not indicate that her noncompliance related to any intellectual or mental deficiencies. Respondent has failed to establish how she would have fared better had she undergone a psychological evaluation. See *In re Fried*, 266 Mich App at 543.

Further, respondent participated in individual and group counseling at Catholic Charities. The DHHS attempted to connect respondent with her parent partner. The DHHS provided the parent partner a number for respondent that turned out not to be in service, so the DHHS provided an alternate number that the parent partner used to attempt contact with respondent. Respondent, however, never returned the parent partner's voicemails, resulting in respondent's termination from the program. Respondent's claim that the DHHS failed to connect the parent partner with respondent lacks merit. Respondent does not identify a third number at which she could have been reached or argue that she never received the parent partner's voicemail messages. The trial court, therefore, did not clearly err by finding that the DHHS made reasonable efforts to reunify MH with respondent.

### III. STATUTORY GROUNDS

Next, respondent argues that the trial court erred by finding that clear and convincing evidence established statutory grounds for terminating her parental rights under MCL 712A.19b(3)(c)(i) and (c)(ii). We disagree.

“This Court reviews for clear error the trial court's factual findings and ultimate determinations on the statutory grounds for termination.” *In re White*, 303 Mich App 701, 709; 846 NW2d 61 (2014). “A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made.” *In re Schadler*, 315 Mich App at 408 (quotation marks and citation omitted).

MCL 712A.19b(3)(c)(i) provides that the trial court may terminate a respondent's parental rights if “182 or more days have elapsed since the issuance of an initial dispositional order” and “[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.” “This statutory ground exists when the conditions that brought the [child] into foster care continue to exist despite time to make changes and the opportunity to take advantage of a variety of services[.]” *In re White*, 303 Mich App at 710 (quotation marks and citation omitted).

In this case, the trial court entered the initial disposition order on April 3, 2018, and respondent's parental rights were terminated on February 13, 2020. Therefore, more than 182 days had elapsed since the entry of the initial disposition order. Respondent's unsuitable housing and drug issues were the primary conditions leading to adjudication. Respondent failed to rectify both of those conditions. Respondent had her own apartment for a brief period in 2018 but otherwise failed to maintain stable housing because she went in and out of treatment facilities throughout the course of the proceedings. Further, respondent failed to comply with services such as drug court and drug rehabilitation to help her address her substance abuse issues. The record reflects that respondent's housing issues dated back to 2017. Respondent admitted that she began using cocaine when 20 years old and failed to benefit from the services provided to help her achieve sobriety. The record indicates that no reasonable likelihood existed that the conditions that led to adjudication would be rectified within a reasonable time considering MH's age. See MCL 712A.19b(3)(c)(i). Accordingly, we are not left with a definite and firm conviction that the trial court made a mistake by finding that clear and convincing evidence established statutory grounds for termination of respondent's parental rights under MCL 712A.19b(3)(c)(i). See *In re Schadler*, 315 Mich App at 408.

Because only one statutory ground is required to terminate a respondent's parental rights, we need not address respondent's argument that the trial court erred by terminating her parental rights under MCL 712A.19b(3)(c)(ii). See *In re Frey*, 297 Mich App at 244. Further, because respondent raises arguments only respecting MCL 712A.19b(3)(c)(i) and (c)(ii), she has abandoned any arguments respecting the trial court's decisions regarding termination under MCL 712A.19b(3)(a)(ii), (g), and (j).<sup>2</sup> See *Martin v Martin*, \_\_\_ Mich App \_\_\_, \_\_\_; \_\_\_ NW2d \_\_\_ (2020) (Docket No. 349261); slip op at 10 (stating that "[a]bsent any meaningful discussion of [an] issue, there simply is nothing for this Court to review").

#### IV. BEST INTERESTS

Respondent also argues that the trial court clearly erred by finding that termination of her parental rights served MH's best interests. We disagree.

We review for clear error the trial court's determination that termination served the child's best interests. *In re Schadler*, 315 Mich App at 408. "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *Id.* (quotation marks and citation omitted).

When determining whether termination is in the best interests of the child, the trial court should place its "focus on the child rather than the parent." *Id.* at 411. "[T]he 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). "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 at 714.

In this case, the record reflects that the trial court appropriately considered the applicable factors for its determination regarding MH's best interests. Contrary to respondent's argument, the trial court acknowledged the existence of a bond between MH and respondent. The record, however, reflects that respondent did not comply with her service plan, failed to visit MH, and was absent from MH's life for an extended period. The trial court properly focused on MH's need for permanency and stability, along with the possibility of adoption. MH did well in her foster home and her foster family expressed willingness to adopt her. MH's foster family had the ability and desire to provide MH the permanency and stability that respondent lacked because of her

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<sup>2</sup> We note that the trial court erred by applying the pre-amended version of MCL 712A.19b(3)(g), but because it properly determined that clear and convincing evidence established grounds for termination under MCL 712A.19b(3)(c)(i), the error does not warrant relief.

unresolved housing and drug issues. The record does not establish that the trial court clearly erred in finding that a preponderance of the evidence favored termination of respondent's parental rights and that termination served MH's best interests.

Affirmed.

/s/ Michael J. Kelly

/s/ Amy Ronayne Krause

/s/ James Robert Redford