

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C. MUELLER, Minor.

UNPUBLISHED
March 18, 2014

No. 316861
Roscommon Circuit Court
Family Division
LC No. 13-721196-NA

Before: RONAYNE KRAUSE, P.J., and FITZGERALD and WHITBECK, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii) (failure to prevent sexual abuse), (g) (failure to provide proper care or custody), and (j) (reasonable likelihood of harm). We affirm.

Although respondent asserts that the court erred in concluding that the statutory grounds for termination had been shown, her argument is entirely conclusory. Instead, she focuses on the services provided and contends that petitioner did not provide sufficient services to allow petitioner the opportunity to rehabilitate herself.

Generally, if a child is removed from the home, petitioner has a statutory obligation to make reasonable efforts to rectify the conditions that caused the removal in order to reunify the family. MCL 712A.19a(2); *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005). However, petitioner is not required to provide reunification services when “termination of parental rights is the agency’s goal.” *In re HRC*, 286 Mich App 444, 463; 781 NW2d 105 (2009). Nor is petitioner required to provide services when there has been a determination that the parent failed to protect a child from criminal sexual conduct. MCL 712A.19a(2)(a); MCL 722.638(1)(a)(i). Here, petitioner sought termination of respondent’s parental rights at the initial disposition because respondent failed to protect the child from serious sexual abuse. Accordingly, petitioner was not required to provide respondent with services.

Respondent also argues the court erred in concluding that termination was in the child’s best interests. “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). In making that determination, the lower court must consider the record as a whole. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). It may consider a respondent’s parenting ability, as well as the child’s need for safety, permanency, stability, and finality. *In re Olive/Metts Minors*, 297 Mich App 35, 42; 823 NW2d 144 (2012).

While respondent may have a bond with her child, the evidence at trial established that she is unable to protect the child from sexual abuse. Petitioner repeatedly warned respondent of the need to protect the child from respondent's boyfriend, a registered sex offender, yet she failed to do so. Additionally, an expert in the field of child psychology testified that respondent has dated several sex offenders in the past and fails to understand the continuing danger they pose to her child. The expert opined that termination was in the child's best interests. The court did not clearly err. MCR 3.977(K).

Affirmed.

/s/ Amy Ronayne Krause

/s/ E. Thomas Fitzgerald

/s/ William C. Whitbeck