

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
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In re MEDENDORP/THORPE, Minors.

No. 377575
Muskegon Circuit Court
Family Division
LC No. 11-041389-NA

In re V. S. THORPE, Minor.

No. 378709
Muskegon Circuit Court
Family Division
LC No. 11-041389-NA

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

PER CURIAM.

In these consolidated appeals,¹ respondent² appeals as of right the termination of her parental rights to her minor children, ZCM, NJM, SLM, and JLT, under MCL 712A.19b(3)(c)(i) (conditions that led to the adjudication continue to exist), MCL 712A.19b(3)(c)(ii) (other conditions exist to cause the child to come within the court’s jurisdiction), MCL 712A.19b(3)(g) (failure to provide proper care and custody), and MCL 712A.19b(3)(j) (reasonable likelihood child will be harmed if returned to parent), and VST under MCL 712A.19b(3)(i) (failure to rectify

¹ *In re Medendorp/Thorpe/VS Thorpe*, unpublished order of the Court of Appeals, entered December 23, 2025 (Docket Nos. 377575 and 378709).

² The trial court also terminated the parental rights of the children’s father, but he is not a party to this appeal.

conditions that led to termination of one or more siblings) and MCL 712A.19b(3)(j) (reasonable likelihood child will be harmed if returned to parent).³ We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

This case arose in December 2023 when the minor children⁴ were removed from respondent's care because she was incarcerated for threatening to commit a violent act at the children's school. Respondent had significant mental health issues, including diagnoses for bipolar I disorder; personality disorder with antisocial, narcissistic, and borderline traits; borderline personality disorder; and attention-deficit/hyperactivity disorder. She also had a significant history of housing instability, Children's Protective Services (CPS) involvement, substance abuse, and criminal convictions.

After she was released from jail, respondent moved in with her mother, and the trial court permitted the children to return to her care. Shortly thereafter, however, petitioner, the Michigan Department of Health and Human Services (DHHS), sought removal of the children after SLM—then two years old—was found wandering around unsupervised wearing only a diaper on two separate occasions. Respondent was living at a campsite with the children at the time, the condition of which was described as “deplorable.” The children were filthy, and even after law enforcement arrived, respondent made no effort to supervise her children. She was also “aggressive and volatile” toward police and CPS workers and threatened to kill them.

As the proceedings continued, the trial court suspended respondent's parenting time after she threatened to follow one child home from school and to take one child out-of-state. The trial court informed respondent that parenting time could resume once she demonstrated that she was consistently taking her mental health medication and stopped making violent threats. Although subsequent drug testing indicated respondent was compliant with her prescribed medication, it also revealed that she was using methamphetamine and amphetamine.

Throughout the proceedings, respondent repeatedly threatened her caseworkers and the children's foster placements. She also threatened to physically harm the children. Although DHHS offered her various services, she either refused to participate in them or failed to benefit from them. She claimed she did not need counseling or substance abuse services and blamed her older children for losing custody of her younger children. She also continued to engage in criminal conduct.

The trial court ultimately terminated respondent's parental rights to the five children at issue. Respondent now appeals.

³ Respondent's two older children, MMB and MB, were also removed. The trial court placed them in guardianships in lieu of terminating respondent's parental rights.

⁴ Respondent was pregnant with JLT while incarcerated, who was removed separately after his birth. Respondent's parental rights to JLT were terminated alongside his older siblings before VST was born. Respondent's parental rights to VST were terminated later.

II. PRESERVATION AND STANDARDS OF REVIEW

Respondent challenges the trial court's findings with respect to statutory grounds for termination and whether termination was in her children's best interests. She also challenges the sufficiency of DHHS's reunification efforts. The statutory-grounds and best-interests issues were plainly raised in the trial court, and, therefore, preserved. *In re TK*, 306 Mich App 698, 703; 859 NW2d 208 (2014). Respondent, however, did not object to the services offered by DHHS in the proceedings below. *In re Atchley*, 341 Mich App 332, 336-337; 990 NW2d 685 (2022). Accordingly, respondent's statutory-grounds and best-interests arguments are preserved, but her challenge to DHHS's reasonable efforts is unpreserved.

We review the trial court's factual findings underlying its statutory-grounds and best-interests determinations for clear error. *In re White*, 303 Mich App 701, 709, 713; 846 NW2d 61 (2014). "The trial court's factual findings are clearly erroneous if the evidence supports them, but we are definitely and firmly convinced that it made a mistake." *Id.* at 709-710.

Ordinarily, a trial court's decision regarding reasonable efforts at reunification is reviewed for clear error. *In re MJC*, 349 Mich App 42, 47; 27 NW3d 122 (2023). But because respondent failed to preserve this issue, our review is for plain error affecting substantial rights. *Id.* "To avoid forfeiture under the plain error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights." *Id.* at 48 (quotation marks and citation omitted). "Generally, an error affects substantial rights if it causes prejudice, i.e., it affected the outcome of the proceedings." *Id.* (quotation marks and citation omitted). "The party asserting plain error bears the burden of persuasion with respect to prejudice." *Id.*

III. ANALYSIS

Respondent argues that the trial court erred by terminating her parental rights because DHHS failed to provide adequate reunification efforts, insufficient evidence supported statutory grounds for termination, and termination was not in the children's best interests. We disagree.

A. REASONABLE EFFORTS

Respondent does not dispute that she was offered services. Instead, she challenges the adequacy of those services, asserting that she "always made efforts to rectify her mental health diagnoses and was always open to treatment[,] but, nonetheless, no evidence was ever presented to support that the services she was provided were sufficient to address her needs.

While DHHS "has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered." *In re Atchley*, 341 Mich App at 339 (quotation marks and citation omitted). "This means a respondent-parent must both participate in services and demonstrate that they sufficiently benefited from the services provided." *Id.* (quotation marks and citation omitted).

The record belies respondent's claim that she was compliant with her treatment plan. DHHS offered respondent numerous services, including referrals for affordable housing, medication management, counseling, group therapy, parenting classes, anger management classes, Creative Coping, a psychological evaluation, wraparound services, community-living supports, Individualized Education Plan (IEP) meetings, school meetings, family team meetings, safety planning, Early On services, Arbor Circle Therapy services, Network 180 therapy services, Muskegon Family Care services, case management, residential programming, a Court Appointed Special Advocate (CASA), supervised parenting time, and trauma-assessment referrals. She was also referred to substance abuse services and drug screening after testing positive for methamphetamine. Despite the availability of these services throughout the nearly two-year pendency of this case, respondent often refused to participate in these services or was discharged from them after failing to appear for several appointments. She dismissed the recommendations contained in her psychological evaluation and repeatedly refused to accept responsibility for her actions. By failing to meaningfully engage in the services that were offered, respondent did not adhere to her "commensurate responsibility" to partake in and benefit from her services. *Id.*⁵

B. STATUTORY GROUNDS

"To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been proved by clear and convincing evidence." *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011). "Only one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights[.]" *Id.*

1. ZCM, NJM, SLM, AND JLT

Under MCL 712A.19b(3)(c)(i) and (ii), statutory grounds for termination exist when:

(3) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The 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.

(ii) Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the

⁵ Respondent also summarily argues that, even though she was offered these services, DHHS did not provide any evidence demonstrating that they were adequate to address her mental health needs. But respondent fails to explain how these services, particularly those in which she refused to partake, were somehow inadequate to address her specific needs. Respondent has therefore abandoned this argument by failing to sufficiently brief the merits of her challenge. *In re Rippy*, 330 Mich App 350, 362 n 5; 948 NW2d 131 (2019).

conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

There is no dispute that, by the time respondent's parental rights to ZCM, NJM, SLM, and JLT were terminated, more than 182 days had passed since their respective initial dispositional orders. Thus, the question is whether there is a reasonable likelihood that respondent would address her barriers in a reasonable time considering her children's ages.⁶

Respondent's primary barrier throughout these proceedings was her mental health. She was referred to services to address her mental health conditions but either refused to participate in or failed to benefit from them. Although respondent knew she needed certain medications to regulate her mental health conditions, she failed to attend the necessary services to consistently receive her medication. She also repeatedly refused to accept responsibility for the role she played in her children's removal, instead choosing to blame the trial court, DHHS, the children's placements, and even her older children.

Respondent's mental health issues remained a significant concern throughout the proceedings, as demonstrated by her erratic behavior and violent outbursts. The record is replete with situations in which respondent threatened physical violence against others in relation to this case, and she continued to be criminally charged for such conduct throughout the duration of this case.

The record demonstrates that, by the time of termination, respondent had not adequately addressed her mental health barriers. Moreover, her persistent refusal to accept any responsibility for her actions and that she repeatedly blamed others for her children's removal over the almost two-year trial court proceedings supports the conclusion that she was unlikely to rectify her barriers within a reasonable time considering her children's ages. Accordingly, termination was proper under MCL 712A.19b(3)(c)(ii) for ZCM, NJM, and SLM, and MCL 712A.19b(3)(c)(i) for JLT.

⁶ The amended petition for ZCM, NJM, and SLM only listed respondent's inmate status as the reason for assuming jurisdiction over the children. Accordingly, this was the only formally identified condition that led to the adjudication for these three children. The petition underlying JLT's adjudication, on the other hand, listed various barriers including, relevant here, respondent's mental health. Thus, MCL 712A.19b(3)(c)(ii) is the appropriate statutory ground to consider as it relates to the ZCM, NJM, and SLM, while MCL 712A.19b(3)(c)(i) is the appropriate statutory ground to consider for JLT. Because both grounds concern the same overall failure of a respondent-parent to rectify their barriers to reunifying with their children, they are discussed together.

2. VST

Under MCL 712A.19b(3)(j),⁷ a trial court may terminate a respondent's parental rights when:

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if the child is returned to the home of the parent.

"The doctrine of anticipatory neglect recognizes that how a parent treats one child is certainly probative of how that parent may treat other children." *In re Kellogg*, 331 Mich App 249, 259; 952 NW2d 544 (2020) (quotation marks, brackets, emphasis, and citation omitted).

The record demonstrates that respondent neglected and abused her children both before and after they were removed from her care, and, at times, even while she was under direct supervision. Before removal, SLM was twice found walking around the family's campsite unsupervised wearing only a diaper. Respondent claimed that her two oldest children were caring for SLM, but acknowledged that they were not appropriate caregivers. The oldest children likewise reported that they returned SLM to respondent's care and left the area to go meet with their friends.

Nor was SLM the only child who was neglected. At the time of removal, all of the children were filthy, and the family's living conditions were described as "deplorable." Even after law enforcement arrived to remove the children, respondent made no effort to supervise them; NJM

⁷ We question whether respondent has waived any challenge to the termination of her parental rights to VST. "A waiver consists of the intentional relinquishment or abandonment of a known right." *In re MJC*, 349 Mich App at 49 (quotation marks and citation omitted). "[A] waiver must be explicit, voluntary, and made in good faith." *Id.* (quotation marks and citation omitted). "A valid waiver may be shown by express declarations or by declarations that manifest the parties' intent and purpose" *Id.* (quotation marks, brackets, and citation omitted). "A party who waives a right is precluded from seeking appellate review based on a denial of that right because waiver eliminates any error." *Id.* (quotation marks and citation omitted).

Respondent repeatedly represented that she was intending to relinquish her parental rights to VST but refused to affirmatively concede to any specific statutory-ground or best-interests findings. Although she does not challenge the sufficiency of her relinquishment on appeal or argue that her waiver was not made knowingly, her statements during the termination hearing for VST suggest that she believed she was conceding to termination so that she could simply challenge the trial court's decision alongside her other children, whose case was already pending on appeal. Parents "have a fundamental right to direct the care, custody, and control" of their children. *In re Ferranti*, 504 Mich 1, 21; 934 NW2d 610 (2019). Due process mandates that, in order for a parent to effectively waive such a fundamental right, the admission "must be voluntary and knowing." *Id.* Because the record is not clear regarding whether respondent's relinquishment of her parental rights to VST was made knowingly, we address the merits of respondent's challenge out of an abundance of caution.

ran around with metal stakes, JLT had an excessively full diaper, and the children were permitted to run toward a nearby pond without any appropriate safety precautions.

Respondent's conduct toward her children continued after their removal. She often blamed her two oldest children for the removal of the other children, including during supervised telephone calls. On one occasion, she told her second-eldest child that she did not want her back. Respondent also threatened to physically harm the children during supervised parenting-time sessions and often discussed the child-protective proceedings with them. Indeed, NJM reported to his foster family that respondent hit him and his siblings when she was angry.

Ultimately, the children's lawyer-guardian ad litem moved to suspend respondent's parenting time based on her "unregulated state" and escalating threatening and violent behavior at visits. The children showed signs of dysregulation after interactions with respondent, and respondent would threaten the children and their foster families.

In addition to her treatment of her other children, respondent's "failure to comply with the terms and conditions of . . . her service plan is evidence that the [children] will be harmed if returned to [her] home." *In re White*, 303 Mich App at 711. Given respondent's treatment of her other children and refusal to participate in services or comply with her service plan, the trial court did not err by finding that there was a reasonable likelihood that VST would be harmed if returned to respondent's care and terminating respondent's parental rights to VST under MCL 712A.19b(3)(j).⁸

C. BEST INTERESTS

Once a trial court finds that DHHS "has established a statutory ground for termination by clear and convincing evidence[.]" it must terminate a respondent's parental rights if it finds, "from a preponderance of the evidence on the whole record[.] that termination is in the children's best interests." *In re White*, 303 Mich App at 713.

To determine whether termination of parental rights is in a child's best interests, the court should consider a wide variety of factors that may include 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. 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. [*Id.* at 713-714 (quotation marks and citations omitted).]

Respondent argues that it was not in the children's best interests to terminate her parental rights because she "made efforts to rectify her mental health issues and was always open to treatment." But "[t]he focus at the best-interest stage has always been on the child, not the parent."

⁸ Because one ground has been established by clear and convincing evidence for termination of respondent's parental rights to each of her children, *In re Ellis*, 294 Mich App at 32, we need not address the applicability of the other grounds in each respect.

In re Atchley, 341 Mich App at 346 (quotation marks and citation omitted). Thus, respondent's effort to participate in her service plan is not the relevant consideration when evaluating whether termination is in her children's best interests. Respondent offers no other argument for why termination was not in the children's best interests, thereby abandoning the issue by failing to properly brief its merits. *In re Rippy*, 330 Mich App 350, 362 n 5; 948 NW2d 131 (2019).

Affirmed.

/s/ Randy J. Wallace
/s/ Thomas C. Cameron
/s/ Daniel S. Korobkin