

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 13, 2026
10:30 AM

In re SHD, Minor.

Nos. 379386; 379389
Lenawee Circuit Court
Family Division
LC No. 24-000121-NA

Before: KOROBKIN, P.J., and RICK and MALDONADO, JJ.

PER CURIAM.

Respondents appeal by right the trial court’s order terminating their parental rights to their minor child under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and (j) (reasonable likelihood that child will be harmed if returned to parent). On appeal, respondent-mother contends that her due-process rights were violated on numerous occasions during the trial court proceedings and that the trial court erred by finding that petitioner, the Department of Health and Human Services, made reasonable efforts to reunify her with the child. Respondent-father likewise contests the trial court’s finding that petitioner made reasonable efforts to reunify him with the child, and also contends that the trial court erred by finding that there were statutory grounds to terminate his parental rights and that termination was in the child’s best interests. For the reasons set forth in this opinion, we disagree with respondents’ arguments and therefore affirm.

I. BACKGROUND AND FACTS

On August 20, 2024, just days after the child’s birth, petitioner petitioned to remove the child from respondents’ care. The petition specifically noted hospital staff’s concerns regarding respondent-mother’s “cognitive ability to provide basic care for the child,” explaining that she was not “initiat[ing] care of the child and need[ed] prompting for all basic needs.” The petition alleged that respondent-father struggled with mental-health issues, stating that he reported diagnoses of anxiety, bipolar disorder, suicidal ideation, and homicidal ideation and that he refused treatment, and that respondent-father was “very volatile and aggressive with staff.” The trial court ordered that the child be removed and placed in petitioner’s care that day.

A preliminary hearing began the following day, August 21, 2024, and continued into the following weeks. Although both respondents were initially permitted supervised in-person parenting time, at the preliminary hearing on August 30, 2024, the trial court ordered that respondent-father's supervised parenting time occur only virtually due to safety concerns. For the remainder of the case, respondent-mother was permitted supervised in-person parenting time, albeit with two temporary suspensions, and respondent-father was offered only supervised virtual parenting time.

The trial court found statutory grounds to exercise jurisdiction over the child in December 2024. Throughout the trial court proceedings, petitioner administered various services to respondents tailored to address their barriers to reunification, including mental-health services and parenting education. Despite respondent-mother's engagement in the services provided and respondent-father's more limited participation in offered services, service providers reported persistent concerns about respondents' ability to safely care for the child.

In April 2025, petitioner filed a petition to terminate respondents' parental rights. The petition asserted that, in light of respondent-mother's "mental health and cognitive impairments" and respondent-father's "mental instability," neither respondent could "provide a safe and stable home environment for" the child. Respondents' termination trial then proceeded over the course of four consolidated review/permanency planning and termination of parental rights hearings held in July, August, September, and December 2025. At those hearings the trial court heard the testimony of respondents, respondent-mother's therapist, Kimberly Olmsted, a foster care specialist employed by petitioner, Eva Kopas, and a visitation specialist parent aide, Linda Edwards. The trial court ultimately found that petitioner made reasonable efforts to reunify respondents with the child, that there were statutory grounds for termination under MCL 712A.19b(3)(c)(i) and (j), and that termination was in the child's best interests. The trial court thus ordered in December 2025 that respondents' parental rights be terminated.

Respondents now appeal.

II. RESPONDENT-MOTHER'S APPEAL

A. DUE PROCESS

We begin with respondent-mother's appeal. She first contends that her due-process rights were violated at multiple points in the trial court proceedings. We conclude that none of the alleged due-process violations warrant reversal.

This Court "review[s] de novo the interpretation and application of statutes and court rules." *In re Ott*, 344 Mich App 723, 735; 2 NW3d 120 (2022). We also generally review de novo "[w]hether a child protective proceeding complied with a respondent's right to due process[.]" *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009). However, our "review of unpreserved issues in termination cases is for plain error affecting substantial rights." *In re MJC*, 349 Mich App 42, 47; 27 NW3d 122 (2023). Because respondent-mother did not assert in the trial court that her due-process rights were violated, her due-process challenges are unpreserved and thus subject to plain-error review. See *id.*; *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008) (explaining that when a respondent-parent failed to raise an issue before the trial court, it was not

“properly preserved for appellate review”); *In re VanDalen*, 293 Mich App 120, 135; 809 NW2d 412 (2011) (reviewing an unpreserved due-process challenge in a termination case for plain error). “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.” *In re VanDalen*, 293 Mich App at 135 (quotation marks and citation omitted). “Generally, an error affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings.” *In re Utrera*, 281 Mich App at 9. “The party asserting plain error bears the burden of persuasion with respect to prejudice.” *In re MJC*, 349 Mich App at 48.

“Procedural due process imposes constraints on governmental decisions which deprive individuals of ‘liberty’ or ‘property’ interests[,]” including, for our purposes, parents’ liberty interest “in the companionship, care, custody, and management of their children.” *In re Brock*, 442 Mich 101, 110; 499 NW2d 752 (1993) (quotation marks and citation omitted). “There is no question that parents have a due process liberty interest in caring for their children and that child protective proceedings affect that liberty interest.” *In re AMB*, 248 Mich App 144, 209; 640 NW2d 262 (2001) (footnotes omitted). In our state, “procedures to ensure due process to a parent facing removal of h[er] child from the home or termination of h[er] parental rights are set forth by statute, court rule, [petitioner’s] policies and procedures, and various federal laws.” *In re Sanborn*, 337 Mich App 252, 268; 976 NW2d 44 (2021) (citation modified). “ ‘[D]ue process is flexible and calls for such procedural protections as the particular situation demands.’ ” *In re Brock*, 442 Mich at 110 (alteration in original), quoting *Mathews v Eldridge*, 424 US 319, 334; 96 S Ct 893; 47 L Ed 2d 18 (1976). The basic requirements of due process, however, are notice and an opportunity to be heard. See *In re Rood*, 483 Mich 73, 92; 763 NW2d 587 (2009) (opinion by CORRIGAN, J.). Notice must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v Central Hanover Bank & Trust Co*, 339 US 306, 314; 70 S Ct 652; 94 L Ed 865 (1950). And “[t]he hearing must be at a meaningful time and in a meaningful manner.” *Goldberg v Kelly*, 397 US 254, 267; 90 S Ct 1011; 25 L Ed 2d 287 (1970) (quotation marks and citation omitted). Due process ultimately “requires fundamental fairness, which is determined in a particular situation first by considering any relevant precedents and then by assessing the several interests that are at stake[.]” *In re Rood*, 483 Mich at 92 (opinion by CORRIGAN, J.) (quotation marks and citation omitted).

1. ADVICE OF APPELLATE RIGHTS

Respondent-mother first argues that her due-process rights were violated when the trial court did not properly advise her of her appellate rights following the September 2024 hearing and the dispositional hearing in December 2024. We conclude that the trial committed no plain error.

MCR 3.965(B)(15) and MCR 3.973(G)(2)-(4)¹ guide our analysis. Concerning the September 2024 hearing, respondent-mother invokes MCR 3.965(B)(15), which provides that

¹ In arguing that her due-process rights were violated when she was not advised of her appellate rights following the dispositional hearing, respondent-mother invokes MCR 3.971(B)(6)-(8). MCR 3.971(B) is inapplicable, however, because it provides what a respondent must be advised

when a trial “court orders removal of the child from a parent’s care or custody, the court shall advise the parent, guardian, or legal custodian of the right to appeal that action.” And as to the dispositional hearing in December 2024, MCR 3.973(G) states:

(G) Respondent’s Rights Upon Entry of Dispositional Order. When the court enters an initial order of disposition following adjudication the court shall advise the respondent orally or in writing:

* * *

(2) that appellate review is available to challenge the court’s initial order of disposition following adjudication,

(3) that an indigent respondent is entitled to appointment of an attorney to represent the respondent on any appeal as of right and to preparation of transcripts, and

(4) the respondent may be barred from challenging the assumption of jurisdiction or the removal of the minor from a parent’s care and custody in an appeal from the order terminating parental rights if they do not timely file an appeal under MCR 7.204 or a delayed appeal under MCR 3.993(C).

Regarding the trial court’s compliance with MCR 3.965(B)(15) following the September 2024 hearing, the record shows that on August 20, 2024, the trial court entered an ex parte order ordering that the child be removed and placed in petitioner’s care. Following a preliminary hearing on August 21, 2024, the trial court entered an order the next day that authorized petitioner’s petition, stated that the child was placed in petitioner’s care, and stated that the placement “shall continue pending [] resumption of the preliminary hearing.” Included with that order was a notice that advised respondents of their right to appeal “any order removing [their] child[] from [their] care and custody.” This document thus reveals that, in compliance with MCR 3.965(B)(15), the trial court advised respondent-mother of her right to appeal following the removal of the child from her care. See *In re Ott*, 344 Mich App at 735. And nothing in MCR 3.965(B)(15) requires that such notice be given more than once following the child’s removal, even if the preliminary hearing proceeds over multiple dates. The trial court therefore complied with MCR 3.965(B)(15) in advising respondent-mother of her appellate rights.

Likewise, following the dispositional hearing in December 2024, the record shows that the trial court’s order of disposition was accompanied by a notice advising respondents of their right to appeal “an initial order of disposition following adjudication.” That notice also stated: “If you cannot afford to hire an attorney for an appeal of right, the court will appoint one for you” and “If an attorney is appointed to represent you for your appeal, the court will pay the cost of transcripts.”

before a trial court “accept[s] a plea of admission or plea of no contest,” MCR 3.971(B), and in the present case, respondent-mother made no attempt to enter a plea of admission or of no contest. We therefore consider respondent-mother’s challenge under the adjacent, and applicable, provision of MCR 3.973(G).

And the notice further provided: “You may be barred from challenging the assumption of jurisdiction or the removal of your child[] from your care and custody in an appeal from an order terminating parental rights if you do not timely file an appeal under MCR 3.993(A)(1), 3.993(A)(2), or a delayed appeal under MCR 3.993(C).” Thus, respondent-mother was advised of her appellate rights in compliance with MCR 3.973(G)(2)-(4). See *In re Ott*, 344 Mich App at 735. We therefore conclude that respondent-mother’s claims of error concerning inadequate notice of appellate rights are without merit. See *In re VanDalen*, 293 Mich App at 135.

2. SUSPENSION OF PARENTING TIME

Respondent-mother next argues that her due-process rights were violated when the trial court suspended her parenting time in December 2024 and when petitioner suspended it in November 2025. We find no plain error that requires reversal.

The first suspension of respondent-mother’s parenting time occurred after the child’s lawyer guardian ad litem (LGAL) filed a verified petition on December 5, 2024 to suspend respondent-mother’s parenting time pending the outcome of an investigation regarding the cause of bruising found on the child’s head. According to the petition, the child’s foster placement had reported the bruising following respondent-mother’s November 27, 2024 parenting time through Orchards Foster Care Supportive Visitation Program. The trial court granted the LGAL’s petition on December 5, 2024, the same day it was filed. At the next trial court proceeding, the adjudication hearing held on December 13, 2024, respondent-mother testified that she had seen a mark on the child’s head but no bruising, and Kopas reported that there was an ongoing investigation into the bruising on the child’s head. The trial court left its order suspending respondent-mother’s parenting time in place to be able to “review all of the materials surrounding that issue” by the next hearing on December 19, 2024. At the dispositional hearing on December 19, 2024, the trial court expressed concern regarding “indications that the child suffered an injury during a parenting time that [was] supposed to be supervised by Orchard’s parenting.” The trial court allowed parenting time to resume, but required that the visits be supervised by either Edwards or Kopas.

Parenting time was suspended again in November 2025. On November 5, 2025, a family team meeting was held because respondent-mother had expressed concerns regarding Kopas’s conduct during supervised parenting time, which included modeling behavior to demonstrate proper care of the child. Respondent-mother did not want Kopas to touch the child during visits, but Kopas would not agree in advance not to touch the child because she believed that doing so could pose a safety risk for the child. The meeting did not resolve respondent-mother’s concerns, so petitioner began looking for potential third-party supervisors for parenting time, pausing parenting time around November 18, 2025 pending a referral to a provider. Kopas testified at the next hearing, the final consolidated review/permanency planning and termination hearing on December 16, 2025, that since the November 2025 family team meeting, respondent-mother had not had parenting time “due to [respondent-]mother’s concerns and finding the most appropriate

provider to service her.”² Respondent-mother’s parental rights were terminated on December 16, 2025.

Our analysis of respondent-mother’s due-process challenges to the suspensions of her parenting-time requires consideration of MCL 712A.13a(13). That statute mandates that when “a juvenile is removed from the parent’s custody at any time,” a trial court must “permit the juvenile’s parent to have regular and frequent parenting time with the juvenile.” MCL 712A.13a(13). It further requires that parenting time be at least once “every 7 days unless the [trial] court determines either that exigent circumstances require less frequent parenting time or that parenting time, even if supervised, may be harmful to the juvenile’s life, physical health, or mental well-being.” *Id.*

Under plain-error review, we conclude that neither suspension of respondent-mother’s parenting time requires reversal. Ordinarily, due process requires notice and an opportunity to be heard *before* a person is deprived of a liberty interest. See generally *Zinermon v Burch*, 494 US 113, 127; 110 S Ct 975; 108 L Ed 2d 100 (1990). However, the flexibility inherent in the right to due process allows for the possibility that only a postdeprivation hearing will be practicable when quick action is necessary. See *id.* at 128. As to the first suspension in parenting time, we conclude that the trial court did not violate due process by granting ex parte relief based on the allegations set forth in the LGAL’s verified petition. See *In re Grudzinskis/Oliver*, unpublished per curiam opinion of the Court of Appeals, issued May 15, 2026 (Docket Nos. 377782 and 377783), p 5 (stating that a trial court could suspend the respondents’ parenting time on an ex parte basis).³ Unexplained bruising on the child’s head, discovered following respondent-mother’s parenting time, supported a determination that “exigent circumstances” required the suspension of parenting time and that “parenting time, even if supervised, may be harmful to the [child]’s life, physical health, or mental well-being” until an investigation could be conducted. MCL 712A.13a(13). Further, although parenting time was initially suspended on an ex parte basis, the trial court provided prompt postdeprivation process by holding a hearing on the matter eight days after it entered the ex parte order and restoring parenting time within 14 days. We accordingly find no plain due-process error regarding the temporary suspension of parenting time based on the LGAL’s petition. See *In re VanDalen*, 293 Mich App at 135.

Regarding the second suspension of parenting time, respondent-mother is correct that petitioner’s unilateral pausing of parenting time constituted plain error. MCL 712A.13a(13) allows the suspension of parenting time only when the *court* makes the requisite determinations, which did not occur here. See *In re Riley*, unpublished per curiam opinion of the Court of Appeals,

² On appeal, respondent-mother asserts that her parenting time was interrupted from November 4 to 27, 2025. We see no evidence in the record, however, to support the proposition that parenting time resumed on November 27, 2025. Given Kopas’s testimony on December 16, 2025 that respondent-mother had not had parenting time since the November 2025 family team meeting, we proceed with the understanding that respondent-mother did not receive parenting time from November 5 through December 16, 2025.

³ “Unpublished opinions of this Court are not binding, but may be considered for their persuasive value.” *In re Walters*, ___ Mich App ___, ___ n 5; ___ NW3d ___ (2025) (Docket No. 369318); slip op at 6 n 5.

issued April 29, 2026 (Docket Nos. 375069 and 375070), p 5 (concluding that the petitioner's unilateral stoppage of parenting time was plain error). However, respondent-mother has not shown how this error affected the outcome of the proceedings. See *In re Utrera*, 281 Mich App at 9. By November 2025, respondent-mother's termination trial was well underway, with three of the four termination hearings having already occurred, and there is no indication in the record that more parenting time in November and early December 2025 would have enabled respondent-mother to significantly improve her parenting skills such that her parental rights would not have been terminated in December 2025. We therefore conclude that respondent-mother is not entitled to reversal of the termination of her parental rights because of the error. See *In re VanDalen*, 293 Mich App at 135.

3. OTHER DUE-PROCESS CHALLENGES

Respondent-mother levies some additional due-process challenges pertaining to her notice of the termination trial and the goal change to adoption. Here, too, we find no plain error warranting reversal.

Relevant to these additional due-process arguments are the following facts. In April 2025, petitioner filed a termination of parental rights petition and the trial court thereafter issued a summons ordering respondent-mother to appear in May 2025 for a "consolidated review/permanency planning hearing and petition for termination of parental rights filed 4/28/2025." One purpose of the hearing, as listed on that summons, was "to rule on a request that [respondent-mother's] parental rights over the child[] be terminated." Pursuant to the parties' stipulation, in May 2025, the trial court adjourned "the combined review, permanency planning[,] and termination hearing" to June 2025, and later adjourned that hearing again to July 7, 2025. At the beginning of the July 2025 proceeding, the trial court stated that the way it "typically do[es] these is" by "consolidat[ing] the request for termination on the lack of progress [made on case services] along with . . . the regular review and permanency planning hearing." The court then asked whether there were any objections to that approach, and respondent-mother's counsel responded, "That makes sense to me." The consolidated review/permanency planning and termination hearing then proceeded with respondent-mother's counsel calling the first witness. At the conclusion of that proceeding, the trial court stated that it would continue the hearing on the petition to terminate respondents' parental rights when the trial court proceedings resumed on August 18, 2025. Respondent-mother's termination trial continued in August, September, and December 2025.

Respondent-mother makes numerous arguments related to her notice of the possibility of termination at the July 2025 proceeding. First, respondent-mother asserts that "there is no mention on the record" during the July 2025 hearing "that it was the beginning of a termination trial" and that she was unfairly surprised at the second date of the termination trial in August 2025 that the August 2025 hearing was a termination of parental rights hearing. Having reviewed the record, we disagree. The trial court explained during the July 2025 proceeding that it was consolidating the proceeding on petitioner's petition to terminate respondents' parental rights with the other hearings, to which respondent-mother's counsel explicitly stated that he had no objection. Additionally, respondent-mother was given various notices before the July 2025 proceeding that it would be a consolidated review/permanency planning and termination of parental rights hearing. Respondent-mother therefore cannot claim to have been unfairly surprised at the August 2025

hearing given that she had already participated in a full day of the termination trial in July 2025, at the end of which the trial court informed her that it would be continuing the termination proceeding in August 2025.

Respondent-mother also argues that the trial court erred because it not change the blended goal of reunification and adoption to only adoption at the July 2025 hearing.⁴ Respondent-mother, however, does not explain how this failure to change the goal deprived her of her right to due process. Petitioner's request to terminate respondent-mother's parental rights, filed in April 2025, and the trial court's summons to appear for a "consolidated review/permanency planning hearing and petition for termination of parental rights filed 4/28/2025," apprised respondent-mother that her parental rights were at stake at the termination hearing on that petition in July 2025. See MCL 712A.19b(1) (mandating that when a petition to terminate parental rights is filed, a trial court must "hold a hearing to determine if the parental rights to a child should be terminated" and issue an opinion on the petition). In other words, there is no indication as to how an official goal change at the July 2025 proceeding would have enhanced the fairness of respondent-mother's termination hearing when she was already aware that petitioner was seeking the termination of her parental rights and had notice that the July 2025 proceeding could have resulted in the termination of those rights. See *In re Rood*, 483 Mich at 92 (opinion by CORRIGAN, J.). Nor, more generally, is there any indication that this error, if it was one, affected the outcome of the proceedings. See *In re Utrera*, 281 Mich App at 9. Therefore, respondent-mother is not entitled to relief on this issue.

Respondent-mother also suggests that, under MCL 712A.19a(8), it was error to initiate termination proceedings without a court order requiring petitioner to do so. We disagree; petitioner was authorized by statute to file a petition of its own accord. See MCL 712A.19b(1) (explaining the necessary procedures for when the agency files a petition to terminate parental rights). MCL 712A.19a(8) merely provides that a trial court *may* order petitioner to initiate proceedings to terminate parental rights if it "determines at a permanency planning hearing that a child should not be returned to his or her parent," and that a trial *must* order petitioner to initiate proceedings to terminate parental rights "if the child has been in foster care under the responsibility of the state for 15 of the most recent 22 months" and other exceptions do not apply. In this case, because the child was in foster care beginning in August 2024 and the petition to terminate respondents' parental rights was filed about eight months later in April 2025, the trial court was not obligated to order petitioner to initiate proceedings to terminate respondent-mother's parental rights. See MCL 712A.19a(8). Instead, petitioner was authorized to initiate such proceedings under MCL 712A.19b(1) and did so here.

Lastly, respondent-mother asserts that the trial court erred by failing to making a finding under MCL 712A.19a(3) as to whether "the child should not be placed in the permanent custody of the court." Again, we disagree. MCL 712A.19a(3) does not mandate the issuance of particular findings; it simply sets forth the subject matter for a permanency planning hearing: "A permanency

⁴ Respondent-mother also states that she was never informed of a goal change to only adoption. That claim is, however, factually unsubstantiated, as the trial court stated at the September 2025 consolidated review/permanency planning and termination hearing that "[t]he goal will be adoption for this child given the length of time he has been in foster care[.]"

planning hearing must be conducted to review the child's status and the progress being made toward the child's return home or to show why the child should not be placed in the permanent custody of the court." MCL 712A.19a(3). In this case, permanency planning hearings were conducted as required under the statute. We accordingly find no deficiency by the trial court on that front.

In sum, these due-process challenges lack either support in the record or legal merit. See *In re VanDalen*, 293 Mich App at 135. We therefore conclude that reversal is unwarranted.

B. REASONABLE EFFORTS

Next, respondent-mother contends that reversal is required on the grounds that petitioner failed to make reasonable efforts to reunify her with her child and thereby avoid the termination of her parental rights. We disagree.

This Court "review[s] for clear error the trial court's factual finding that petitioner made reasonable efforts to reunify respondents with the child." *In re Atchley*, 341 Mich App 332, 338; 990 NW2d 685 (2022). "Clear error exists when some evidence supports a finding, but a review of the entire record leaves the reviewing court with the definite and firm conviction that the lower court made a mistake." *In re Baham*, 331 Mich App 737, 751; 954 NW2d 529 (2020) (quotation marks and citation omitted). In our review, we give regard "to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." *In re Mota*, 334 Mich App 300, 320; 964 NW2d 881 (2020) (quotation marks and citation omitted). Moreover, as we have noted, "[w]e review de novo the interpretation and application of statutes and court rules." *In re Ott*, 344 Mich App at 735.

Except in aggravating circumstances not present in this case, petitioner has a statutory duty to undertake "[r]easonable efforts to reunify the child and family[.]" MCL 712A.19a(2). This duty in turn obligates petitioner to "create a service plan outlining the steps that both it and the parent will take to rectify the issues that led to court involvement and to achieve reunification." *In re Hicks/Brown*, 500 Mich 79, 85-86; 893 NW2d 637 (2017), citing MCL 712A.18f(3)(d). Petitioner is also required to fulfill "its duty under the [Americans with Disabilities Act, 42 USC 12101 *et seq.*,] to reasonably accommodate a disability" by making "reasonable modifications to the services or programs offered to a disabled parent[.]" *In re Hicks/Brown*, 500 Mich at 86. And "[w]hile [petitioner] 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 Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012), and to "demonstrate that they sufficiently benefited from the services provided[.]" *In re Atchley*, 341 Mich App at 339 (quotation marks and citation omitted).

Respondent-mother argues that petitioner failed to make reasonable efforts to reunify her with the child by failing to adequately accommodate her intellectual disability in the services provided to her. This argument relies heavily on the testimony of her therapist, Olmsted, at the July 2025 termination trial. Throughout the trial court proceedings, respondent-mother's inadequate parenting skills were a principal barrier to reunification. Olmsted testified that respondent-mother had "a cognitive disability which basically means a lower IQ" and that for such clients, Olmsted would provide accommodations "like extended time, having visuals, [and] having

things broken down.” Olmsted explained that, in her opinion, petitioner had not taken respondent-mother’s disability into consideration nor provided respondent-mother adequate accommodations. As an example, Olmsted testified that at a family team meeting she observed in June 2025, respondent-mother was given some unclear and contradictory directions and “put[.] . . on the spot.” Relying on this testimony, respondent-mother asserts that she “receive[d] no specialized trained service providers and no specialized plan.”

Although Olmsted’s testimony was certainly relevant to the trial court’s reasonable-efforts determination, given other evidence before the trial court, we find no clear error in the court’s finding that petitioner made reasonable efforts to reunify respondent-mother with the child. See *In re Baham*, 331 Mich App at 751; *In re Mota*, 334 Mich App at 320. The trial court relied principally on Kopas’s testimony at the termination trial. Kopas explained that each of respondent-mother’s parenting education providers “respectively created their own plan and a plan with [petitioner] to adhere to [respondent-mother’s] special needs” and proceeded to detail numerous accommodations made in the services provided to respondent-mother. These accommodations included providing one-on-one sessions in which respondent-mother received feedback, extra time to process information, repeated reviews of information, and the opportunity to engage in back-and-forth dialogue. One provider also gave respondent-mother lesson plans “in grade school level material which had pictures included relative to” the respective topic being covered and facilitated “retention quizzes to ensure that [respondent-mother] had understood the material[.]” while another provider repeated several sessions at petitioner’s request when petitioner was not seeing the skills covered in those sessions implemented by respondent-mother. Moreover, some service providers modeled behaviors to provide respondent-mother illustrations of parenting skills. Kopas also testified that she believed clear instructions were provided to respondent-mother, and that petitioner’s staff would check in with respondent-mother to ensure her understanding of the taught material and avoid discussing more than two topics at a time to avoid overwhelming her.

The trial court, having heard both Olmsted’s and Kopas’s testimony, found that petitioner made reasonable accommodations. Given our regard “to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it[.]” *In re Mota*, 334 Mich App at 320 (quotation marks and citation omitted), and the plethora of accommodations described by Kopas, we are not of “the definite and firm conviction that the [trial] court made a mistake[.]” *In re Baham*, 331 Mich App at 751 (quotation marks and citation omitted). As Kopas described, respondent-mother was provided numerous accommodations by various service providers in petitioner’s attempts to help respondent-mother improve her parenting skills, ranging from extra time and assessments to the repetition of lessons and individualized feedback. Despite these accommodations in the multiple services provided, however, the trial court found that respondent-mother’s parenting skills did not improve enough to enable her to adequately care for the child. Respondent-mother thus failed to “demonstrate that [she] sufficiently benefited from the services provided[.]” despite the necessary accommodations that were made. *In re Atchley*, 341 Mich App at 339 (quotation marks and citation omitted).

Respondent-mother also argues that the particular way petitioner provided her with services and accommodations was inadequate. For example, respondent-mother asserts that petitioner failed to consult with “an expert in cognitive learning disabilities” and failed to provide specialized training to its service providers. Although these were actions that petitioner could have taken, on the record before us we cannot conclude that petitioner’s failure to pursue these options

means that the trial court committed clear error by finding that petitioner's efforts were reasonable. In *In re Hicks/Brown*, 500 Mich at 88 n 6, our Supreme Court rejected this Court's attempt to mandate a precise "prescription of steps that courts and [petitioner] 'must' complete when faced with a parent with a known or suspected intellectual, cognitive, or developmental impairment." (Quotation marks and emphasis omitted.) "Trial courts are in the best position, in the first instance, to determine whether the steps taken by [petitioner] in individual cases are reasonable." *Id.* In light of the extensive testimony at trial regarding the various accommodations made in the services provided to respondent-mother, we conclude that the trial court did not clearly err by finding that the steps taken by petitioner in this case were reasonable. See *id.* at 86.

III. RESPONDENT-FATHER'S APPEAL

A. REASONABLE EFFORTS

Turning next to respondent-father's appeal, he likewise challenges the trial court's reasonable-efforts finding. Specifically, respondent-father argues that petitioner failed to reasonably accommodate his mental-health conditions, that he should have been permitted supervised in-person parenting time, and that he should have been provided a substance-abuse service plan to address his marijuana use. We find no clear error in the trial court's finding that petitioner made reasonable efforts to reunify respondent-father with the child.

Respondent-father first argues that petitioner failed "in any meaningful way" to provide accommodations in the services administered to him. We disagree. Our review of the record reveals that, until some progress was reported regarding respondent-father's participation in mental-health services at the final termination hearing in December 2025, respondent-father was unwilling to fully engage in the services that were offered even though they were tailored to address his mental-health conditions. This, in turn, inhibited petitioner's ability to provide other services, with the necessary accommodations, to respondent-father. See *In re Frey*, 297 Mich App at 248. Throughout the trial court proceedings, respondent-father struggled with mental-health issues, reporting that he had anxiety, bipolar disorder, homicidal ideation, and schizophrenia, among other diagnoses. At the August 2025 hearing, Kopas testified that respondent-father was "very resistant to all of [the mental health services petitioner tried to provide] as he does not believe that he has an impairment." Kopas further testified that respondent-father failed to follow up on the recommendations provided after he was hospitalized in September 2024, that he habitually disagreed with his service providers, and that once respondent-father decided that providers were no longer in support of him or that they disagreed with him, or if he did not like what a provider was saying, he would leave that provider. For example, although petitioner coordinated services for respondent-father through Lenawee County Community Mental Health and Adrian Counseling and Psychiatric Services, Kopas reported that respondent-father was unwilling to take medication despite those providers' recommendations that he do so. Kopas explained further in another proceeding that respondent-father "continue[d] to believe that he does not need medication" and that "they are making his symptoms worse and that if he were to continue using marijuana and caffeine that he will be able to manage his mental health moving forward." Respondent-father's reluctance to fully participate in mental-health treatment in turn inhibited his ability to participate and benefit from other services provided to help respondent-father, like when he was dismissed from parenting classes in July 2025 due to erratic behavior. In short, without respondent-father's full participation in mental-health services and corresponding demonstrated benefit from those

services, petitioner was limited in the services it could aid respondent-father with, even with accommodations. See *id.*; *In re Atchley*, 341 Mich App at 339.

Nor are we persuaded by respondent-father's argument that the trial court erred by suspending his supervised in-person parenting time. As we have described, MCL 712A.13a(13) requires a trial court to allow a parent parenting time with their child at least once "every 7 days unless the court determines either that exigent circumstances require less frequent parenting time or that parenting time, even if supervised, may be harmful to the juvenile's life, physical health, or mental well-being." In the present case, respondent-father was initially permitted supervised in-person parenting time, but the trial court ordered it changed to virtual parenting time based upon evidence presented at an August 30, 2024 hearing that in-person parenting time would be unsafe. Specifically, substantial evidence was presented that respondent-father had difficulty with impulse control, was easily triggered, and experienced thoughts about harming others. A CPS investigator also testified about an incident that occurred during a supervised in-person parenting time session attended by a foster care worker, Jill Heilman:

[Respondent-father] was coming close to [Heilman] carrying a knife and [Heilman] said "can I help you with something" because [respondent-father] was coming closer into her personal space. [Respondent-father] said that he was carrying a knife in a safe way. If I wanted to hurt you I would be carrying my knife like this and then [respondent-father] did a slashing motion and held the knife up.

As an initial matter, to the extent respondent-father states that he was not provided any parenting time as of August 30, 2024, that assertion is incorrect. The fact that respondent-father was unwilling to participate in virtual parenting time does not render the trial court's limitation of parenting time to a virtual format a violation of MCL 712A.13a(13), for the court indeed permitted respondent-father regular parenting time with the child, albeit via a virtual platform. And to the extent respondent-father argues that supervised virtual parenting time was insufficient in this case, we find no error under the circumstances. Respondent-father argued that the virtual format of parenting time was problematic for him because, as he states on appeal, "Zoom was a trigger because of his auditory sensitivities and mental-health symptoms." We conclude, however, that the trial court did not clearly err by finding that the risk of harm to the child and petitioner's staff outweighed these concerns. Respondent-father was owed only reasonable accommodations for his disabilities, and an accommodation that endangers the safety of the child is not a reasonable one. Respondent-father's difficulty controlling his impulses and aggressive and volatile behaviors, in conjunction with the knife incident, provided a sufficient basis for the trial court's decision to move parenting time to a virtual platform. Further, respondent-father's November 2024 psychological evaluation's recommendation that he demonstrate at least three months of emotional stability before being permitted supervised in-person parenting time, and respondent-father's exhibition of emotionally unstable behavior throughout the case, leaves us unpersuaded that the trial court erred by prohibiting him from participating in supervised in-person parenting time.

We also disagree with respondent-father's argument that petitioner's failure to offer substance-abuse services for his marijuana use demonstrated that petitioner failed to make reasonable efforts at reunification. Respondent-father explained to his service providers that he relied on marijuana to stabilize his emotions and maintain his mental health, even professing that those around him, including the child, would be unsafe if he was not under the influence of

marijuana. There was also testimony that respondent-father used marijuana to control his “anger outbursts” and that he had been unwilling to safety plan around his marijuana use. Respondent-father thus made clear throughout the proceedings that he was unwilling to cease his use of the substance, and he even suggested that there was a serious risk of harm should his access to marijuana be restricted. Given respondent-father’s steadfast insistence that he relied on marijuana to ensure the safety of those around him and his unwillingness to fully engage in other mental-health services, it is far from clear that he would have actually engaged in, let alone benefited from, substance-abuse services had petitioner given him access to those services. Under the circumstances, therefore, we cannot conclude that the trial court committed clear error by finding that petitioner’s efforts were reasonable despite the fact that they did not include substance-abuse services. See *In re Atchley*, 341 Mich App at 338.

In sum, we find no clear error in the trial court’s finding that petitioner made reasonable efforts to reunify respondent-father and the child. Petitioner’s efforts were inhibited by respondent-father’s unwillingness to fully participate in tailored mental-health services, and respondent-father failed to show during the approximately 16 months of trial court proceedings that he sufficiently benefited from the provided services to achieve the emotional stability necessary to enable him to care for the child. See *id.* at 339; *In re Frey*, 297 Mich App at 248.

B. STATUTORY GROUNDS

Respondent-father next contends that the trial court erred by finding that there were statutory grounds for termination. We disagree.

We review a “trial court’s ruling that a statutory ground for termination has been established” for clear error. *In re Mota*, 334 Mich App at 320 (quotation marks and citation omitted). A trial court “may terminate a respondent’s parental rights if one or more of the statutory grounds for termination listed in MCL 712A.19b(3) have been proven by clear and convincing evidence.” *In re Olive Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). Termination is appropriate under MCL 712A.19b(3)(j) if the trial court finds that “[t]here is a reasonable likelihood, based on the conduct or capacity of the child’s parent, that the child will be harmed if he or she is returned to the home of the parent.” Grounds for termination thus exist under MCL 712A.19b(3)(j) “when there is a demonstrated potential for physical or emotional harm to the child.” *In re Brown*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 371986); slip op at 8. “[A] parent’s failure to comply with the terms and conditions of his . . . service plan is evidence that the child will be harmed if returned to the parent’s home.” *In re Smith*, 324 Mich App 28, 49; 919 NW2d 427 (2018) (quotation marks and citation omitted).

We find no clear error in the trial court’s finding by clear and convincing evidence that there was a reasonable likelihood based on respondent-father’s conduct or capacity that the child would be harmed if returned to respondent-father’s home. See MCL 712A.19b(3)(j). Although, as respondent-father stresses on appeal, there was some evidence at the final termination hearing in December 2025 that he was beginning to engage in and benefit to some extent from mental-health services, overall there was sufficient evidence presented throughout the termination trial to support the trial court’s finding of statutory grounds under MCL 712A.19b(3)(j). For example, at the August 2025 hearing, Kopas testified that there were concerns about domestic violence in the home, especially given verbal altercations between respondent-father and respondent-mother’s

mother. Kopas further testified that there were concerns regarding “a power/control dynamic” between respondent-father and respondent-mother, as respondent-father talked over and tended to answer for respondent-mother, and that respondent-father was no longer taking parenting classes after behaving erratically around small children in the service provider’s office in July 2025. Moreover, at the September 2025 hearing, Kopas stated that there had been at least three altercations between respondent-father and different neighbors in the last approximately 90 days. Kopas specifically referenced an August 2025 incident in which law enforcement was called, and the police report from that incident stated that respondent-father had been seen physically fighting with his neighbor and that a disorderly-conduct charge would be sought against respondent-father. And at the December 2025 hearing, Kopas explained that despite respondent-father making some progress in his mental-health services, he continued to have issues with anger management and emotional outbursts in the home. Respondent-father also testified that, due to his anger issues, he used headphones to cancel out the sound of the child crying and was still “trying to find other methods so that [he] c[ould] be around [the] child without feeling like [he, respondent-father, is] an issue or [a] problem.”

The evidence presented at the termination trial therefore showed that respondent-father was unable to maintain control of his emotions, especially his anger, and that this negatively affected his relations with those he resided with. This evidence in turn showed that respondent-father was failing to comply with the terms of his case service plan’s directive that he “demonstrate emotional stability,” among other provisions. See *In re Smith*, 324 Mich App at 49. And, especially in light of evidence presented earlier in the case regarding respondent-father’s concern about others being safe around him, the evidence more generally indicated that the child would face a serious threat of at least emotional harm in respondent-father’s home. See *In re Brown*, ___ Mich App at ___; slip op at 8. The trial court thus did not clearly err by finding that there was a reasonable likelihood, based on respondent-father’s conduct or capacity, that the child will be harmed if returned to his home. MCL 712A.19b(3)(j); see *In re Baham*, 331 Mich App at 751; *In re Olive Metts*, 297 Mich App at 41 (discerning no clear error in a trial court’s finding of grounds for termination under MCL 712A.19b(3)(j) when the respondent was unable to control her anger, had been arrested for disturbing the peace, and there was evidence that her older children were mimicking her behavior). Accordingly, there was no clear error in the trial court’s finding that there were statutory grounds for terminating respondent-father’s parental rights.⁵ See *In re Mota*, 334 Mich App at 320.

C. BEST INTERESTS

Respondent-father lastly contends that the trial court erred by finding that the termination of his parental rights was in the child’s best interests. Again, we disagree.

“Once a statutory ground for termination has been proven, the trial court must find that termination is in the child’s best interests before it can terminate parental rights.” *In re Olive*

⁵ Because the trial court did not clearly err by finding that there were statutory grounds to terminate respondent-father’s parental rights under MCL 712A.19b(3)(j), we need not decide whether the trial court clearly erred by finding that statutory grounds also existed under MCL 712A.19b(3)(c)(i). See *In re Sanborn*, 337 Mich App at 273.

Metts, 297 Mich App at 40, citing MCL 712A.19b(5); MCR 3.977(E)(4). Like a statutory-grounds finding, we review a trial court’s ruling that termination is in a child’s best interests for clear error. *In re Mota*, 334 Mich App at 320. What is in a child’s best interests is determined by a trial court “on the basis of the preponderance of the evidence.” *In re LaFrance*, 306 Mich App 713, 733; 858 NW2d 143 (2014). In making a best-interest determination, a trial court “should place its focus on the child rather than the parent,” *In re CJM*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 367565); slip op at 4 (quotation marks and citation omitted), and “weigh all the evidence available[,]” *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). Moreover, in deciding what is in a child’s best interests, a trial court may consider factors such as “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.” *Id.* (quotation marks and citation omitted). Also relevant to this determination may be “a parent’s history of domestic violence, the parent’s compliance with his . . . case service plan, the parent’s visitation history with the child, the child[]’s well-being while in care, and the possibility of adoption.” *Id.* at 714.

In making its best-interest determination, the trial court found that respondent-father and the child shared no bond. Specifically, the trial court noted that respondent-father declined to participate in virtual visits with the child, that he “behaved very aggressively and dangerously” during the period in which he was permitted supervised in-person visitation, and that he “was unable to recover from that in any way that would allow him to even come close to having that opportunity again” The lack of a bond, as well as respondent-father’s visitation history with the child, was a proper consideration for the trial court, see *id.* at 713-714, and the trial court’s finding was supported by respondent-father’s own testimony at trial that he does not have a bond with the child. Moreover, although respondent-father contests the trial court’s consideration of the lack of a bond between himself and the child, arguing that it was the “foreseeable result” of his lack of in-person parenting time beyond two visits, we are not left with a definite and firm conviction that the trial court made a mistake. See *In re Baham*, 331 Mich App at 751. As discussed, the trial court did not err in suspending supervised in-person parenting time given the risk of harm to the child, and respondent-father chose not to participate in the parenting time he was offered nor in some services that would have given him a greater opportunity to eventually engage in in-person parenting time.

The trial court also considered respondent-father’s inadequate parenting skills, another permissible factor in making a best-interest determination. See *In re White*, 303 Mich App at 713. Indeed, the record demonstrated that during the period in which respondent-father had supervised in-person parenting time with the child, he struggled with caring for the child. For example, during one visit, respondent-father left the child, a newborn, alone on a changing table. After petitioner’s staff redirected respondent-father and told him that leaving the child alone on the changing table was not safe, respondent-father did so again and minimized the seriousness of the incident. There was also testimony that respondent-father exhibited emotional irregularity, agitation, and manic behavior during parenting time. And notably, respondent-father’s limited engagement in parenting classes hindered his ability to improve his parenting skills. Kopas testified at the termination trial that even when respondent-father was participating in parenting education before he was dismissed from the class, “he constantly . . . rejected all of the teachings and continued to say that he did not need parenting education[.]” Accordingly, given respondent-father’s exhibited lack of skills and unwillingness to take advantage of opportunities to improve those skills, we see no error in the trial court’s consideration of respondent-father’s inadequate parenting skills in making its best-

interest determination. See *In re Kackowski*, 325 Mich App 69, 79; 924 NW2d 1 (2018) (finding termination of parental rights to be in a child’s best interests when there was evidence that the respondent “would not be able to improve her deficient parenting skills within a reasonable period of time” and that “it was highly unlikely that [the] respondent would ever be emotionally or psychologically stable enough to provide a safe environment for the child”).

And we further see no error in the trial court’s consideration of the child’s need for stability and permanency, the advantages of the child’s foster home over respondents’ home, and the child’s well-being in the foster home. See *In re White*, 303 Mich App at 713-714. The trial court explained that the child was “well bonded” with his foster family, that the child was doing well in his foster placement, that the foster home did not have “the risks of the parental home,” and that the child required stability and permanency. These considerations were in turn supported by Kopas’s report for the December 2025 hearing stating that the child was meeting all his developmental milestones and Kopas’s testimony at the termination trial that the child was “enlightening” and “noiseful” in the foster home and affectionate toward the foster mother and that she foresaw no barriers to adoption by the foster family. These factors were properly considered in support of the trial court’s best-interest determination because although respondent-father had made some limited progress in addressing his mental-health issues, the child had been in foster care for about 16 months at the time of termination and “the evidence showed that it was unlikely that the child could be returned to h[is] parents’ home within the foreseeable future, if at all.” *In re Frey*, 297 Mich App at 248-249. The child’s developmental progress and evident bond with and affection for the foster placement that provided him a stable environment, in contrast to respondents’ home in which proper care for the child was improbable given the evidence before the trial court, leaves us with no definite and firm conviction that the trial court made a mistake. See *In re Baham*, 331 Mich App at 751.

Given these many factors supporting termination, see *In re White*, 303 Mich App at 713-714, we find no clear error in the trial court’s finding by a preponderance of the evidence that terminating respondent-father’s parental rights was in the child’s best interests, see *In re Olive Metts*, 297 Mich App at 40; *In re LaFrance*, 306 Mich App at 733.

IV. CONCLUSION

In respondent-mother’s appeal, the numerous due-process violations she alleges do not constitute plain error warranting reversal, and the trial court did not clearly err by finding that petitioner made reasonable efforts at reunification. In respondent-father’s appeal, the trial court did not clearly err by finding that petitioner made reasonable efforts at reunification, that there were statutory grounds for terminating his parental rights, and that termination of his parental rights was in the child’s best interests. The judgment of the trial court is therefore affirmed.

/s/ Daniel S. Korobkin
/s/ Michelle M. Rick
/s/ Allie Greenleaf Maldonado