

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* REIBLE, Minors.

No. 378253  
Menominee Circuit Court  
Family Division  
LC No. 2024-000006-NA

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Before: BORRELLO, P.J., and BAZZI and LIEVENSE, JJ.

PER CURIAM.

Respondent-mother appeals as of right the trial court order which removed her two children from her care. For the reasons set forth in this opinion, we affirm.

I. BACKGROUND

Petitioner, the Department of Health and Human Services, initially took custody of the minor children on February 8, 2024, after the younger child tested positive for methamphetamine at birth. The parents pleaded to the trial court’s jurisdiction on May 14, 2024.<sup>1</sup> Respondent-mother’s barriers to reunification were identified as substance abuse, emotional instability, mental health, housing, employment, and lack of parenting skills. After an uneven start in the first few reporting periods, respondent-mother began to comply with her case service plan and made significant progress toward reunification. She attended inpatient drug rehabilitation, successfully transitioned to sober-living housing, found employment, and attended outpatient services. Respondent-mother found a home for the family, and the children were released back to the parents’ care in July 2025 by order of the trial court. However, the trial court retained jurisdiction so that it could continue to provide services to the parents.

At the next hearing in September 2025, the trial court had initially planned to end its jurisdiction over the family. However, petitioner reported that the home which respondent-mother was staying at was owned by a man who was currently in jail on charges of allegedly selling

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<sup>1</sup> The children’s father was a respondent in the case, but he is not a party to this appeal.

methamphetamine. Petitioner reported that respondent-mother had made several phone calls to the home's owner while he was in jail, and that respondent-mother had missed multiple drug screenings. The trial court retained jurisdiction and scheduled another hearing so that petitioner would have more time to investigate the situation.

Petitioner conducted a home visit on October 15, 2025. The children's father was home alone with the children. Petitioner did not see anything alarming in the home, but the father submitted to a random drug screen during the visit which tested positive for methamphetamine. Petitioner returned to the home in an attempt to conduct another home visit on October 25, 2025. The parents did not answer the door. Petitioner filed for an ex parte removal order that day and the children were removed from the parents' home. The parents claimed that the removal order was forged and accused petitioner of kidnapping the children. The children's father was ultimately arrested for resisting the police.

The trial court issued an ex parte removal order which removed the children from the parents' care on October 25, 2025. It found that removal was necessary because the children were at substantial risk of harm. It found that remaining in the home was contrary to the children's welfare and adopted the allegations attached to the petition in their entirety. The trial court held a removal hearing on October 30, 2025, during which petitioner testified about a home visit on October 15, 2025. Respondent-father was home with the children and submitted to a random drug screen, which indicated that he had recently used THC,<sup>2</sup> methamphetamine, and amphetamines. A case worker stated that the case history indicated that if one of the parents was using methamphetamine, the other typically was as well.

Respondent-mother then testified about several posts she had made on Facebook which disparaged the judge and petitioner. She stated that she had no intention of working with petitioner because they wanted to terminate her parental rights. Respondent-mother then confirmed that she had made several other Facebook posts which accused petitioner of child trafficking, corruption, and other illegal acts. Respondent-mother also posted that she was not going to "start all over again to try to get them back because [she] already did that" and that she was "done with these stuck up retarded antifamily fucking loser bitches."

The trial court found, in relevant part, that the children were at a substantial risk of harm and that removal was necessary to protect the children's health and safety. It adopted its findings in the October 25, 2025 removal order and found that there had been a drastic change in the parents recently. In relevant part to this appeal, the trial court found that:

They stopped communicating with the Department. They stopped following the terms and conditions of the case service plan. They became obstructive with the case worker, Megan Mathews. Other than [respondent-father's] drug test on October 15<sup>th</sup>, both parties basically refused to submit to any

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<sup>2</sup> "Tetrahydrocannabinol, or THC, is the physiologically active component of marijuana. See Stedman's Medical Dictionary (26th ed), p 1791." *People v Koon*, 494 Mich 1, 3 n 3; 832 NW2d 724 (2013).

drug screens, even though required by court order . . . and they refused to supply any work schedules.

But, you know, this removal isn't because they didn't supply work schedules. This, this removal is because they're not cooperating with the case service plan, they're not cooperating with the drug treatment aspect of the, of the plan, and I'm not satisfied that [the parents] can provide a safe environment that would remove the imminent danger that these children, or the imminent risk of harm that these children would be in.

There's an October 15<sup>th</sup> result that [respondent-father] had some, some level of relapse, he tested positive for methamphetamine. We don't know about [respondent-mother] because she just continuously refused to submit to drug tests knowing full well that every refusal is considered a positive. So I got to make sure, I got, I've got to look out for the best interest of the children and make sure that they're protected safely.

Respondent-mother filed a claim of appeal as to the removal order on November 14, 2025.

## II. ANALYSIS

Respondent-mother argues that the trial court erred when it issued the removal order because there was no evidence that the children were placed at a substantial risk of harm to their life, physical health, or mental wellbeing as required by court rule.

This Court reviews interpretation and application of court rules and statutes de novo. *In re Williams*, 333 Mich App 172, 178; 958 NW2d 629 (2020). The trial court's factual findings are reviewed for clear error. *Id.* A trial court's findings are clearly erroneous if the reviewing court is "left with a firm and definite conviction that a mistake has been made." *Id.* (quotation marks and citation omitted). Further, "this Court will not disturb the trial court's order unless it would be inconsistent with substantial justice to permit the order to stand." *Id.* (quotation marks and citation omitted); MCR 2.613(A).

The Michigan Court Rules provide that a preliminary hearing must be held after a child's emergency removal from a home environment. MCR 3.965(A). At the preliminary hearing, if the trial court wishes to place the removed children in foster care:

[T]he court shall receive evidence, unless waived, to establish that the criteria for placement [into foster care] set forth in [MCR 3.965(C)(2)] are present. The respondent shall be given an opportunity to cross-examine witnesses, and to offer proofs to counter the admitted evidence. [MCR 3.965(C)(1).]

(2) Criteria. The court may order placement of the child into foster care if the court finds all of the following:

(a) Custody of the child with the parent presents a substantial risk of harm to the child's life, physical health, or mental well-being.

(b) No provision of service or other arrangement except removal of the child is reasonably available to adequately safeguard the child from the risk as described in subrule (a).

(c) Continuing the child's residence in the home is contrary to the child's welfare.

(d) Consistent with the circumstances, reasonable efforts were made to prevent or eliminate the need for removal of the child.

(e) Conditions of child custody away from the parent are adequate to safeguard the child's health and welfare. [MCR 3.965(C)(2)(a) to (e).]

Respondent-mother appeals as of right from the trial court's order following the preliminary hearing, specifically challenging the court's finding that statutory criterion (a) was satisfied. Pursuant to MCL 712A.19b(3)(a) and our Supreme Court's interpretation in *In re Mason*, 486 Mich 142, 159 n 9; 782 NW2d 747 (2010), a parent's failure to substantially comply with the terms and conditions of a case service plan constitutes evidence that returning the child to the parent would pose a substantial risk of harm to the child's life, physical health, or mental well-being.

Following thorough review of the record, we conclude that the trial court's determination that the children would be at substantial risk of harm if returned to respondent-mother's care was not clearly erroneous. The October 15, 2025 home visit did not reveal any immediate danger to the children; however, testimony entered during the October 30, 2025 hearing established that respondent-mother had become noncompliant with her case service plan. In addition, respondent-mother repeatedly refused to participate in court-ordered drug testing, failed to maintain communication with the petitioner's caseworkers, and did not permit required home visits. She actively avoided petitioner's attempts to monitor the safety and well-being of the children. Respondent-mother made clear she had no intention of working with her caseworkers.

Furthermore, respondent-mother was residing in the home of an individual alleged to be involved in methamphetamine distribution, and she discovered needles in the backyard of the residence. The record further reflects that she engaged in heated confrontations with individuals squatting in her home, including an incident where she kicked in a door in the presence of her children. Respondent-mother's behavior became increasingly irrational and combative, raising further concerns regarding the children's safety. Although respondent-mother contends that she made substantial progress toward reunification and substantially complied with her service plan, the evidence clearly demonstrates that her participation in the case service plan had effectively ceased in the months preceding the children's removal from her care.

Accordingly, the trial court's conclusion that returning the children to respondent-mother's care would present a substantial risk of harm was not clearly erroneous. The decision to remove the children and continue their placement outside respondent-mother's home was proper under the circumstances presented by the record.

Affirmed.

/s/ Stephen L. Borrello

/s/ Mariam S. Bazzi

/s/ Andrew J. Lievense