If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
October 20, 2026
3:00 PM

In re IRWIN/VASQUEZ-GUZMAN/VASQUEZ-REYES/GUZMAN, Minors.

No. 379534
Branch Circuit Court
Family Division
LC No. 24-006788-NA

Before: YOUNG, P.J., and REDFORD and FEENEY, JJ.

PER CURIAM.

This case involves the termination of respondent-mother's parental rights to eight minor children. For the reasons which will be set forth below, we affirm the termination of parental rights as to the six oldest children and vacate the decision to terminate as to the youngest two children and remand the case as relates to these two children to the trial court.

The trial court terminated respondent-mother's parental rights to her children under MCL 712A.19b(3)(c)(*i*) (conditions leading to the adjudication continue to exist with no reasonable likelihood of rectification) and (j) (reasonable likelihood of harm).[1] On appeal, respondent-mother argues that the trial court erred by finding that there were statutory grounds warranting termination, that termination was in the children's best interests, and that the Department of Health and Human Services (DHHS) made reasonable efforts toward reunification.

We affirm the termination of respondent-mother's parental rights to AI, AVG, EVG, GVG, MVG, and EVR.

Because the trial court erred by terminating respondent-mother's parental rights to the two youngest children, AG and MG, at the initial disposition without making the judicial determinations required by MCL 712A.19a, we vacate the January 20, 2026 order to the extent it

[1] The trial court also terminated the parental rights of the children's fathers, but they are not parties to this appeal.

terminates respondent-mother's parental rights to AG and MG and remand to the trial court for further proceedings.

I. BACKGROUND

On September 20, 2024, the trial court authorized a petition by the DHHS over six children, AI, AVG, EVG, GVG, MVG, and EVR, and removed them from respondent-mother's care. At that time, respondent-mother and the children were living with her father, who was on the sex-offender registry and had sexually abused respondent-mother as a child.[2] The DHHS's September 20, 2024 petition alleged that respondent-mother was unwilling to implement a safety plan at the request of Children's Protective Services (CPS) after she secured alternative housing with a friend, who was also the subject of several CPS complaints for physical abuse, that she returned to her father's residence, and that she cancelled all appointments and refused to cooperate with CPS. An amended petition filed on October 30, 2024, included allegations related to medical neglect and domestic violence history between respondent-mother and the father of some of the children. Respondent-mother pleaded to the allegations regarding unsafe housing in November 2024, and the trial court took jurisdiction.

A dispositional hearing was held for six children in January 2025. Respondent-mother was not able to attend the hearing because she was pregnant and on bedrest. She was ordered to obtain/maintain safe housing, and to participate in counseling and parenting education. The DHHS filed a petition seeking termination of parental rights for the six children on December 10, 2025. With respect to respondent-mother, the petition sought termination under the following two provisions of MCL 712A.19b(3)(c):

> (c) 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.
>
> * * *
>
> (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 DHHS alleged that respondent-mother "has minimal, sporadic participation in mental health services." In addition, while she participated in "parenting education, the visitation coach services and in parenting times," she did not fully complete the services as recommended or demonstrate

[2] Respondent-mother had given birth to four additional children before these six children were born. One of them passed away and the others were adopted. It is unknown whether her parental rights to these children were terminated or whether she voluntarily relinquished her rights.

lasting progress. Moreover, there were "ongoing issues with proper parenting" during the parenting times.

While the child protective proceedings for the six children were taking place, in May 2025, respondent-mother, who was pregnant with triplets, gave birth to twins, AG and MG, who were born prematurely following a difficult pregnancy that included the loss of the third child. The twins received several months' care in the neonatal intensive care unit (NICU). On June 6, 2025, the DHHS filed a petition requesting removal of AG and MG, as well. The petition was authorized following a preliminary hearing on June 9, 2025. The final pretrial was initially scheduled for July 30, 2025, and the bench trial for August 22, 2025. These dates were adjourned on several occasions. The DHHS sought termination of respondent-mother's parental rights to AG and MG in its second- and third-amended petitions.

In the third-amended petition, dated October 28, 2025, the DHHS alleged that CPS received a referral on May 22, 2025, and visited respondent-mother in the hospital the same date. Respondent-mother reported prior CPS involvement with the other six children including the removal of these children because she was living with her father who had molested/sexually abused her as a child, as well as substance abuse issues with other household members. She reported being engaged to a man who was later discovered to be on parole for possession of methamphetamine and had a criminal history dating back to 2002 that included "multiple convictions for possession of drugs and assault." The man whom she believed to be the father of the twins also had a pending felony methamphetamine charge. The foster care case manager reported that respondent-mother was "not consistently participating in her parenting classes or counseling," and the hospital reported concerns as well. Specifically, respondent-mother refused to allow the twins to be fed formula while not providing breast milk for them, and she chose not to stay at the hospital's free hospitality house despite her having difficulty with transportation to the hospital to see the twins. She had also "become upset with nursing staff" and stated that she "wanted to take the babies home and would take them home against medical advice." A bench trial set for October 28, 2025, was adjourned per order that same date.

On January 20, 2026, the trial court took testimony and considered evidence related to the termination of respondent-mother's rights to all eight children. A friend of respondent-mother testified to observing positive interactions and a bond between respondent-mother and her children. Respondent-mother testified regarding efforts to attend visitation even during a difficult pregnancy, to maintain employment after being released from bedrest, and to attend parenting classes despite being on bedrest during her pregnancy with triplets. She had also signed a month-to-month lease on a two-bedroom duplex and was in the process of securing safe transportation. On cross-examination, she acknowledged that her housing was not suitable for eight children, that she did not follow through with the counselor initially assigned to her and only recently began counseling again, and that she had not completed all parenting classes. She testified that she moved in with her father initially because she believed her father had been rehabilitated after 20 years' incarceration and that her children were never left alone with him. Her children did not report to her that they had been abused and now she would never have him around them again.

The children's guardian ad litem stated that the older children never ask about their parents, nor did they say things like they wanted to go home. The GAL did not believe that respondent-

mother understood the changes that needed to be made for her kids to be safe in her care. He stated that it was in the best interests of all of the children to terminate parental rights.

Citing MCL 712A.19b(3)(c), the trial court stated that respondent-mother has been a respondent in a proceeding brought under this chapter and 182 days or more had elapsed since the dispositional hearing in 2025. The question was "whether there's clear and convincing evidence to find that the conditions that led to adjudication continue to exist and there's no reasonable likelihood that they'll be rectified within a reasonable time, considering the age of the children in this case." The trial court found clear and convincing evidence that the conditions had not been rectified. While respondent-mother was no longer living with her father, her current housing was not adequate for her children, and she was no longer employed. There were no-shows on nine counseling appointments, while she appeared for eight appointments via Zoom, and no progress had been made. While respondent-mother participated in services provided by a supportive visitation coach, "not a lot [the coach] taught was used during the visits" and while there was some improvement, there was not a lot of benefit. The trial court recognized that respondent-mother attended parenting education, but did not complete the classes, and in the "best-case scenario," she attended 13 classes during a two-year period. Finally, the trial court found there was a reasonable likelihood the children would be harmed if returned to the parent because the court did not "believe [respondent-mother's] done what she needed to do, to seek professional help to recognize the risk that would pose to her children of a . . . sex offender." The trial court did not find sufficient progress to consider alternatives such as guardianship. The trial court determined that termination was in the children's best interests because "these children need permanence and having them in limbo, without progress in this case would not benefit them."

The trial court terminated respondent-mother's parental rights under MCL 712A.19b(3)(c)(*i*) and (j) regarding all eight children, found that termination was in the children's best interests, and found that the DHHS had made reasonable efforts toward reunification.

Respondent-mother now appeals.

II. ANALYSIS

A. TERMINATION OF PARENTAL RIGHTS AS TO AG AND MG AT INITIAL DISPOSITION

Although respondent-mother does not raise this issue on appeal or before the trial court, it appears the trial court clearly erred by terminating her rights to AG and MG at the initial disposition without making a judicial determination that either reasonable efforts at reunification had been made or that such efforts were unnecessary under MCL 712A.19a.

We review unpreserved claims in termination cases for plain error affecting substantial rights. *In re MJC*, 349 Mich App 42, 47; 27 NW3d 122 (2023). To establish plain error, a party must show that there was an error, the error was clear or obvious, and the error affected substantial rights. *Id*. at 48. It appears the trial court terminated respondent-mother's parental rights to the twins at the initial disposition hearing after adjudication but without making the judicial determinations required by law. This constitutes clear error. Specifically, MCL 712A.19a(2)

requires a permanency planning hearing be conducted "within 30 days after there is a judicial determination that reasonable efforts to reunite the child and family are not required." Reasonable efforts are not required if, among other things, there is a "judicial determination that the parent has subjected the child to aggravated circumstances as provided in [MCL 722.638(1) and (2)]," or "[t]he parent has had rights to the child's siblings involuntarily terminated and the parent has failed to rectify the conditions that led to that termination of parental rights."[3] MCL 712A.19a(2)(a); MCL 712A.19a(2)(c). The lower court file demonstrates that the trial court authorized the DHHS petition in June 2025, adjourned additional proceedings regarding the twins numerous times until the trial court adjudicated on the twins' petition in December 2025, and finally held the termination hearing in January 2026. Neither the trial court's order nor findings made at the termination hearing include the judicial determination required by law.

We vacate the trial court's January 20, 2026 order to the extent that respondent-mother's rights were terminated as to AG and MG,[4] and remand to the trial court. On remand, the DHHS shall prepare a case service plan, and the trial court shall order reasonable efforts be made toward reunification, unless a proper determination is made that reasonable efforts are not required.

B. TERMINATION OF PARENTAL RIGHTS AS TO AI, AVG, EVG, GVG, MVG, AND EVR AND STATUTORY GROUNDS

Respondent-mother asserts that the trial court clearly erred by terminating her parental rights under MCL 712A.19b(3)(c)(*i*). This assignment of error is not supported by the record and even if it were, it is not dispositive of this appeal.

Generally, we review for clear error a trial court's factual findings and determinations about statutory grounds in termination proceedings. *In re White*, 303 Mich App 701, 709; 846 NW2d 61 (2014). Clear error exists if we are left with a definite and firm conviction that the trial court made a mistake, "giving due regard to the trial court's special opportunity to observe the witnesses." *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004). "Appellate courts are obliged to defer to a trial court's factual findings at termination proceedings if those findings do

[3] The foster care case manager at DHHS testified that respondent-mother had four children who were no longer in mother's care but the worker could not "ascertain how that came to be." The worker knew that respondent-mother released her rights voluntarily when she was in prison, but could not confirm whether respondent-mother's parental rights were involuntarily terminated. Without this evidence, the trial court could not rely on that testimony to support a finding of aggravated circumstances.

[4] If the trial court had made these determinations, the transcript from the termination proceedings presents factual and legal basis for termination of parental rights at the initial disposition. Specifically, as required by MCR 3.977(E), the DHHS requested termination as to AG and MG in their second- and third-amended petitions; the trial court authorized the petition in June 2025 and adjudicated on the twins' petition in December 2025; on January 20, 2026, the trial court found clear and convincing evidence supporting the truth of the allegations in the termination petition, that termination was appropriate under MCL 712A.19b(3)(j), and it was in the children's best interests to terminate respondent-mother's parental rights.

not constitute clear error." *In re Sanborn*, 337 Mich App 252, 273; 976 NW2d 44 (2021) (quotation marks and citation omitted).

Respondent-mother's claim that the trial court clearly erred in finding termination was warranted under MCL 712A.19b(3)(c)(*i*), even if supported by the record, is not dispositive on appeal. To terminate parental rights, the trial court must find clear and convincing evidence of at least one statutory basis for termination under MCL 712A.19b(3). *In re VanDalen*, 293 Mich App 120, 138-139; 809 NW2d 412 (2011). The trial court terminated respondent-mother's parental rights under MCL 712A.19b(3)(c)(*i*) and (j). Respondent-mother, however, only challenges MCL 712A.19b(3)(c)(*i*); she fails to address that the trial court terminated respondent-mother's parental rights under MCL 712A.19b(3)(j). Only one statutory ground is required for termination. See *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009). Accordingly, because only one ground was required, and respondent-mother does not challenge MCL 712A.19b(3)(j), we need not address respondent-mother's challenge to either of the statutory grounds supporting termination of her parental rights. See *Riemer v Johnson*, 311 Mich App 632, 653; 876 NW2d 279 (2015); *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds *In re Trejo*, 462 Mich 341; 612 NW2d 407 (2000).

Moreover, we find no clear error in the trial court's finding that termination was warranted under MCL 712A.19b(3)(c)(*i*), especially when the appropriate deference is applied to the trial court's factual findings on appeal. *In re Sanborn*, 337 Mich App at 272.

A trial court may terminate parental rights under MCL 712A.19b(3)(c)(*i*), if it finds by clear and convincing evidence:

> (c) 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 . . . 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.

There is no dispute that respondent-mother was a respondent in a child protective proceeding and more than 182 days had elapsed since the initial dispositional order for the six children. The concern on appeal is that, in her view, the conditions leading to her adjudication no longer exist and the record lacks clear and convincing evidence supporting the trial court's finding that there is no reasonable chance any defective conditions would be rectified within a reasonable time given the children's age. We disagree.

While respondent-mother testified at the termination hearing that she had secured housing separate from any individual with a criminal record, including her father who had sexually abused her and others as a child, she also testified that this housing would not accommodate eight children. Moreover, she had held multiple jobs during the pendency of this case and recently became unemployed. The record supported the trial court's findings that the factor of inadequate housing was not remedied by the time of the termination hearing and there was no reasonable chance it would be remedied in a reasonable time thereafter.

Even more importantly, there was a concern that respondent-mother did not appreciate the gravity of the harm to which she subjected her children when taking them to live with persons who engaged in criminal sexual misconduct and substance abuse. Nor did she demonstrate progress in being able to see and care for her children's needs. She participated sporadically in counseling sessions arranged by the DHHS and was inconsistent with parenting classes as well.

While respondent-mother was on bedrest for some of the time this case was pending, the record demonstrates that this did not prevent her from holding a volunteer position outside of the home during and immediately after the twins' birth; she also used that volunteer position to explain why she was not able to live at the hospital's hospitality house at no cost while the twins were in NICU and she reportedly struggled with transportation costs to come and see the twins. Moreover, many of the parenting classes and counseling sessions were offered remotely via Zoom. The trial court's finding that the conditions leading to the adjudication continued to exist and there was no reasonable likelihood that they would be rectified within a reasonable time is supported by factual findings made based on the record as a whole.

Deferring to the trial court's findings of fact, as the law of our state requires, we do not find clear error in the trial court's finding of statutory grounds for termination, either under MCL 712A.19b(3)(c)(*i*) or MCL 712A.19b(3)(j).

C. BEST INTERESTS

The trial court's finding that termination was in the children's best interests is also supported by the record. "Even if the trial court finds that the Department has established a ground for termination by clear and convincing evidence, it cannot terminate the parent's parental rights unless it also finds by a preponderance of the evidence that termination is in the best interests of the children." *In re Gonzales/Martinez*, 310 Mich App 426, 434; 871 NW2d 868 (2015). We review for clear error a trial court's best-interest determination. *In re Sanborn*, 337 Mich App at 276. When determining whether termination is in a child's best interests, the trial court may consider evidence that includes "the child's bond to the parent[;] the parent's parenting ability[;] the child's need for permanency, stability, and finality[;] and the advantages of a foster home over the parent's home." *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022) (quotation marks and citation omitted). Further, the trial court may consider "the length of time the child was in care[;] the likelihood that the child could be returned to her parents' home within the foreseeable future, if at all[;] and compliance with the case service plan." *Id*. at 346-347 (quotation marks and citation omitted).

In this case, there was some evidence regarding a bond between respondent-mother and some of the children, including the testimony of respondent-mother and the visitation coach. Respondent-mother argues that her friend testified about the children being strongly attached to respondent-mother. Respondent-mother's friend, however, had not seen respondent-mother with the children since they entered care, beyond one video call, and she had never seen respondent-mother with the twins. The caseworker and lawyer-guardian ad litem asserted that the children did not ask to go home to respondent-mother. Further, there was evidence that respondent-mother relied on the older children to help care for the younger children and that respondent-mother treated AI and GVG differently than she treated the other children.

The twins had been out of respondent-mother's care for their entire lives, and the other children had been out of respondent-mother's care for more than one year. There was no indication that respondent-mother would be able to provide a safe and stable home for the children within a reasonable amount of time given the children's ages. Altogether, there was no evidence that respondent-mother significantly benefited from the services in which she participated. See *In re Sanborn*, 337 Mich App at 277-278. Respondent-mother did not fully comply with the case service plan, and she continued to have limited parenting abilities. Therefore, the trial court did not err by finding that termination of respondent-mother's parental rights was in the children's best interests.

D. REASONABLE EFFORTS

Respondent-mother never argued in the trial court that the DHHS failed to make reasonable efforts with respect to any children, including the six children who were removed in September 2024. Therefore, we review this unpreserved claim for plain error affecting substantial rights. See *In re MJC*, 349 Mich App at 47.

Generally, the DHHS must make reasonable efforts to reunify a family before a parent's rights may be terminated. *In re Hicks/Brown*, 500 Mich 79, 85; 893 NW2d 637 (2017) . See also MCL 712A.19a(2). There is "a commensurate responsibility on the part of [a respondent] to participate in the services that are offered." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012). A respondent must "demonstrate sufficient compliance with or benefit from those services specifically targeted to address the primary basis for the adjudication." *Id*. Termination is improper without a trial court finding of reasonable efforts. *In re Hicks/Brown*, 500 Mich at 90.

In this case, the trial court did not err by finding that the DHHS made reasonable efforts as to the older six children. The DHHS referred respondent-mother to a psychological evaluation, supportive visitation, counseling, Beginnings Care for Life parenting services, and a nutrition class to address concerns about the snacks that respondent-mother brought the children. Further, the DHHS provided supervised parenting time until requesting the suspension of parenting time. Because of challenges with the children's behaviors during and after visits, the DHHS also staggered visits.

Respondent-mother argues that the DHHS faulted her for not attending counseling early in the case but that she did not engage at that point because she could not trust her male counselor. The record demonstrates, however, that from January 2025 through November 2025, respondent-mother's assigned counselor was a woman. Moreover, the sessions were virtual, making the service available even when respondent-mother was pregnant. Notably, respondent-mother continued to visit with the other children during her pregnancy. Accordingly, respondent-mother's failure to fully comply with counseling was not a failure of the DHHS.

Similarly, respondent-mother could watch the parenting videos from home, which she claimed to have done, but she failed to verify many of those videos with Beginnings Care for Life staff even after she delivered the twins and was no longer pregnant. Moreover, the DHHS did not prioritize employment during respondent-mother's pregnancy. And the DHHS properly responded to respondent-mother's pregnancy, but respondent-mother did not fully comply with or benefit from the services. See *In re Frey*, 297 Mich App at 248. Respondent-mother has also not

established which specific services the DHHS could have provided to better accommodate her needs. See *In re Sanborn*, 337 Mich App at 53. Therefore, the trial court did not err by finding that the DHHS made reasonable efforts.

III. CONCLUSION

We affirm the trial court's January 20, 2026 order terminating parental rights as to AI, AVG, EVG, GVG, MVG, and EVR.

We conclude the trial court erred by terminating respondent-mother's parental rights to AG and MG at initial disposition without first making a judicial determination required by MCL 712A.19a. Therefore, the trial court's order terminating respondent-mother's parental rights as to these two children is vacated, and we remand for additional proceedings. On remand, the DHHS shall prepare a case service plan, and the trial court shall order reasonable efforts be made toward reunification, unless a proper determination is made that reasonable efforts are not required. We do not retain jurisdiction.

/s/ Adrienne N. Young
/s/ James Robert Redford
/s/ Kathleen A. Feeney