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STATE OF MICHIGAN

COURT OF APPEALS

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In re THOMPSON/WRIGHT, Minors.

No. 379802
Wayne Circuit Court
Family Division
LC No. 2024-000160-NA

Before: MURRAY, P.J., and PATEL and FEENEY, JJ.

PER CURIAM.

Respondent-mother appeals as of right from the order terminating her parental rights to KJT, KDW, and KMW. On appeal, respondent argues that (1) the trial court failed to make individualized best-interests findings for each child and its best-interests determination was clearly erroneous, and (2) petitioner, the Department of Health and Human Services (DHHS), failed to make reasonable reunification efforts because it did not provide adequate domestic violence services and it scheduled parenting time with KJT and KDW in a location requiring respondent-mother to spend several hours traveling round-trip. We affirm.

I. BEST INTERESTS

We review for clear error a trial court's determination that DHHS proved termination of parental rights was in a child's best interests by a preponderance of the evidence. *In re MJC*, 349 Mich App 42, 61; 27 NW3d 122 (2023). " 'A circuit court's decision to terminate parental rights is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made,' " *id*., quoting *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003), " 'giving due regard to the trial court's special opportunity to observe the witnesses,' " *In re Knipp*, 351 Mich App 466, 472; 35 NW3d 721 (2024), quoting *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

At the best-interest stage of termination proceedings, the focus is on the child. *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022). A court "should weigh all evidence available to it" when making a best-interests determination. *Id*. (quotation marks and citation omitted). Trial courts must decide the best interests of each individual child. *In re Olive/Metts*,

297 Mich App 35, 42; 823 NW2d 144 (2012). "[I]f the best interests of the individual children *significantly* differ, the trial court should address those differences when making its determination of the children's best interests." *In re White*, 303 Mich App 701, 715; 846 NW2d 61 (2014). A trial court does not necessarily err "if it fails to explicitly make individual and—in many cases—redundant factual findings concerning each child's best interests." *Id*. at 716. When determining a child's best interests, trial courts may assess the parent-child bond, the parent's demonstrated parenting ability, ability to provide a safe and permanent home, compliance with their parent agency agreement, and record of attending parenting time. *In re MJC*, 349 Mich App at 62. Additionally, the trial court may also consider the child's age, well-being in care, need for permanence, stability, and finality, and the possibility of adoption. *Id*. "Placement with a relative weighs against termination, but that fact is not dispositive given that a trial court 'may terminate parental rights in lieu of placement with relatives if it finds that termination is in the child's best interests.' " *In re Atchley*, 341 Mich App at 347, quoting *In re Olive/Metts*, 297 Mich App at 43.

After a review of the record, we conclude that the trial court did not clearly err in determining that a preponderance of the evidence supported a finding that it was in the best interests of the children to terminate respondent's parental rights. As briefly discussed below, record evidence showed that respondent's parenting ability did not improve over the course of these proceedings, the children's bond with respondent all but evaporated since the petition was filed, and respondent had not shown an ability to provide a safe and permanent home for the children. In addition, the evidence showed that the children were thriving in their placements.

With respect to the parent-child bond, the lawyer-guardian ad litem (L-GAL) noted concerns about the weakening parent-child bond in November 2024. KDW's behavioral issues were exacerbated after parenting times, and he was experiencing nightmares. KJT had not asked to see respondent-mother since August 2024 and was also exhibiting various behavioral problems. By February 2025, KDW did not want to leave his foster parents and cried when he was dropped off at parenting time, and KJT no longer called respondent-mother "mom." Neither child went to respondent-mother for comfort, and as of April 2025, the bond between the boys and respondent-mother had "weakened tremendously." KJT became "very anxious" at parenting time, causing him to stutter, and no longer talked about respondent-mother at the foster home. KMW "immediately ran away" from respondent-mother at the only parenting time session respondent-mother attended.

At the termination hearing, foster care worker Sabrina Lewis indicated that the children did not appear to have "any emotions" toward respondent-mother and were primarily excited to see each other at parenting times. At some point, there was a parent-child bond between respondent-mother and the boys, but it was no longer apparent. And, Lewis and foster care advocate Lillian Hensley did not believe KMW was ever bonded with respondent-mother as he was a month old when removed from her care in May 2024. Evidence, particularly the best-interest assessment, showed that when respondent appeared for parenting time sessions, the children were more focused on each other, and there was minimal interaction with respondent.[1] This evidence

[1] Of 167 parenting time sessions offered, respondent attended 59, mostly with KJT and KDW. Before April 2025, respondent requested to decrease her parenting time with KJT and KDW to

supports the finding that there was no meaningful parent-child bond between respondent and any of the three children.[2] *In re MJC*, 349 Mich App at 62.

Respondent's argument about the distance between Detroit and Ann Arbor would be more persuasive if she made any attempt to regularly see KMW, who was located nearby. However, she attended more sessions with KJT and KDW and requested to see them *less* frequently, claiming she was too busy. Respondent also declined bus passes, and it seems she never attempted to use the bus system to see her children. Instead, she requested the Visa gift cards, which could be used for purchases other than gas, and Lewis was "not sure what [respondent-mother] was using them for."

The evidence also supported the finding that respondent never obtained suitable housing. The home she shared with her family had mold, mildew, cockroaches, bed bugs, and lacked proper furniture. Additionally, the family received several warnings for having late-night parties, throwing trash on the front lawn, and disturbing the neighbors. As a result, they were evicted, and respondent and her family moved into a hotel. According to Lewis, respondent made no effort to find housing for her and the children," and respondent's inability to obtain suitable housing from the initial disposition in May 2024 until August 2025 demonstrated that she could not provide safe, stable housing for herself and the children. Additionally, the record shows that respondent never provided proof of legal income despite representing to Lewis that she was working, although she could not name her employers. Lewis did not believe respondent worked even 20 hours per week and was unsure whether she ever followed up on any of the employment information provided to her. Although respondent received about $200 monthly in Social Security income, overall her income was insufficient to support the children.

In sum, the evidence supported the trial court's finding that respondent failed to demonstrate that she is capable of providing stability, including income, suitable housing, and "a safe person" to live with. This factor supports the trial court's finding that termination of respondent's parental rights was in each of the children's best interests.

Record evidence also established that although respondent completed some of her parent-agency agreement, in addition to parenting classes, parenting time, housing, and income, discussed above, respondent was also noncompliant by not maintaining consistent contact with DHHS

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just one hour, one day per week, because "getting to Ann Arbor twice a week was way too much." Additionally, she said "she did not want to see [KMW] twice a week" because "there was too much on her plate." KMW lived seven minutes away by car, yet respondent saw KMW once since February 2025, at the first day of the termination hearing in August 2025. Respondent's record of not attending parenting time with KMW supports the court's finding that termination was in KMW's best interests.

[2] Respondent argues that the trial court did not "reconcile" its conclusion that there was "no current bond" with the clinician's recognition of a parent-child bond. But the clinician concluded that "[w]hile there appeared to be a parent-child bond, the bond appeared to be lacking in multiple areas, which is an area of concern," which is consistent with other statements acknowledging a parent-child bond existed but was weakened or fractured over time.

although she always had a way to send text messages or call. Respondent was terminated from the supportive parenting time service for lack of attendance and could not be re-referred. Finally, there was evidence that she had three contacts with father during the proceedings. After the third dispositional review hearing in February 2025, the court gave respondent-mother more time to comply with her parent-agency agreement, but she was unable to make the necessary progress. This factor supports the finding that termination was in each child's best interests. *In re MJC*, 349 Mich App at 62.

Finally, the children are all between two years old and five years old, and each did "fantastic" in their placements. KJT excelled in school and had many friends. KDW's aggressive behaviors became less frequent and he had changed drastically since removal. According to KDW's foster parent, KDW had reached a healthy weight, his night terrors were less frequent, and he learned to express fear (including his fear of attending parenting times). KMW was growing appropriately, walking, learning to talk, and doing "fabulous with the caregiver." Evidence showed that each child was bonded to their respective foster parents, and each set of foster parents was willing to adopt their foster children.

The court noted KMW's placement with a relative but still concluded that it was in her best interests to terminate respondent's parental rights. See *In re Atchley*, 341 Mich App at 347. The other relevant factors that supported termination, including the nonexistent parent-child bond, a lack of parenting ability, her failure to attend most of her parenting time sessions with KMW, her inability to provide safe, stable housing, as well as KMW's young age, well-being in care, and likelihood of adoption, were more than sufficient to counter the weight of relative placement.

Although respondent correctly argues that trial courts are required to decide the best interests of each individual child, it is likewise true that courts are not required to address them separately unless the best interests of individual children significantly differ. *In re White*, 303 Mich App at 715. Here, the trial court did not err by "fail[ing] to explicitly make individual . . . factual findings concerning each child's best interests," *id*. at 716, because the significant difference between KJT and KDW, and KMW, was relative placement, which the trial court explicitly addressed. More importantly, there were no significant differences regarding the bond, parenting time attendance, age, well-being in care, or possibility of adoption between any of the children, and respondent-mother's parenting skills, ability to provide a safe, permanent home, and compliance with her parent agency agreement were the same with respect to each child. That the trial court did not articulate individual findings for each child, which would have been "redundant," does not render the findings erroneous. *Id*. at 716.

II. REUNIFICATION EFFORTS

"[T]o preserve an argument about reasonable efforts for family reunification, a respondent-parent must object to the services at the time they are offered." *In re MJC*, 349 Mich App at 47. Respondent raised concerns about the distance to parenting times on several occasions, preserving this issue. But respondent did not mention any dissatisfaction with the domestic violence component of her parent-agency agreement, or the unavailability of the parent-partner program, or request alternative services, so these issues are unpreserved.

This Court reviews a preserved challenge regarding reasonable reunification efforts for clear error. *In re MJC*, 349 Mich App at 47. "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re Knipp*, 351 Mich App at 472 (quotation marks and citation omitted). Unpreserved issues are reviewed for plain error affecting substantial rights. *In re MJC*, 349 Mich App at 47-48. "To avoid forfeiture under the plain error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights." *Id*. at 48 (quotation marks ad 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 1, 9; 761 NW2d 253 (2008).

Before a parent's rights may be terminated, DHHS generally must make reasonable efforts to reunify the family. *In re MJC*, 349 Mich App at 55, citing *In re Hicks/Brown*, 500 Mich 79, 85; 893 NW2d 637 (2017). Reasonable effort involves creation of a parent-agency agreement " '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 MJC*, 349 Mich App at 55, quoting *In re Hicks/Brown*, 500 Mich at 85-86. "While [DHHS] has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012). A respondent's participation in services, without demonstrable benefit, is insufficient. *In re TK*, 306 Mich App 698, 711; 859 NW2d 208 (2014). Additionally, a respondent challenging services offered must "establish that he or she would have fared better if other services had been offered." *In re Sanborn*, 337 Mich App 252, 264; 976 NW2d 44 (2021).

Respondent argues that DHHS did not adequately help her overcome transportation barriers. However, according to Lewis parenting time could not be moved because it would impact KMW's severe emotional dysregulation in the car, and KJT's daycare schedule would be interrupted. DHHS knew respondent could use the bus to get to sessions, but she repeatedly refused to use the bus system. Respondent only wanted Visa gift cards and used them to get rides with Uber, but DHHS was unable to directly provide Uber rides because of the expense. It remains unclear why respondent, who was never employed more than a few days per month, could not "spend her time to make it easier on her children" to attend parenting time.

Lewis also testified about how DHHS accommodated respondent's request to shift parenting times from 1:00 p.m. to 2:00 p.m., and her subsequent request to decrease parenting time to just one hour per week. According to the record, respondent repeatedly claimed that the distance between her and the parenting time locations was undermining her ability to attend. But Lewis did not believe that there was a legitimate transportation issue interfering with her attendance, as respondent was geographically close to KMW, yet she failed to attend his session on any regular basis. See *In re Sanborn*, 337 Mich App at 264. Respondent also failed to utilize the assistance in seeking employment or adequate housing. We hold that a preponderance of the evidence supported the trial court's conclusion that DHHS made reasonable reunification efforts but found respondent failed to take affirmative steps toward reunification. See *In re Frey*, 297 Mich App at 247-248.

Although respondent completed the domestic violence program in time for the first dispositional review hearing, there was reason to believe that she remained in contact with father

before the third dispositional review hearing in February 2025. Notwithstanding that respondent did not request additional domestic violence therapy, she has not demonstrated how additional services would have improved her participation in parenting times, helped her obtain housing, or secure employment, or otherwise comply with the parent-agency agreement. *In re Sanborn*, 337 Mich App at 264. Her argument that the services were not tailored to her particular circumstances as a domestic violence victim is therefore unpersuasive. In addition, whether a parent-partner would have substantially benefited respondent is immaterial, as it was repeatedly acknowledged that there was an extensive waiting list for the program, and respondent was not faulted for failing to complete this program. Accordingly, no plain error affecting her substantial rights is apparent. *In re MJC*, 349 Mich App at 47-48.

In contrast to respondent's assertions that DHHS did not provide adequate assistance, the record suggests respondent did not take advantage of DHHS's assistance because she was "too busy" to prioritize reunification with her children, did not want to spend up to three hours on a bus, and did not want to travel in partial darkness when she was aware that regularly attending parenting time was an important consideration in these proceedings. Her actions reflect an unwillingness to put her children's needs above her personal desires. No clear error exists on this record. *Id*. at 47.

Affirmed.

/s/ Christopher M. Murray
/s/ Sima G. Patel
/s/ Kathleen A. Feeney