

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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FOR PUBLICATION  
October 11, 2011  
9:05 a.m.

In the Matter of S.O. PLUMP and E.W. PLUMP,  
Minors.

No. 302995  
Berrien Circuit Court  
Family Division  
LC No. 2010-000012-NA

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Before: MARKEY, P.J., and SERVITTO and RONAYNE KRAUSE, JJ.

RONAYNE KRAUSE, J.

Respondent appeals as of right the order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(c)(ii), (g), and (j). Respondent contends that petitioner failed to recognize that domestic violence is an issue in this case and therefore failed to provide her with adequate services regarding her being the victim of domestic violence. We disagree and affirm.

The children in this case were removed from respondent's care after respondent provided marijuana to a teenaged friend of one of her older children, M.G. She then smoked the marijuana in front of the teenagers and S.O. and E.W., who were then ages six and four. Respondent later pleaded guilty to criminal charges in connection with that event.

Respondent's children had previously been removed from her care because, in addition to her substance abuse, she had failed to protect her two older children from physical and sexual abuse by her violent partner. At the time of that earlier removal, respondent was provided with numerous services and the children thereafter were returned to her care.

After the children were again removed from her care, this time as a result of the marijuana incident, respondent was again provided with numerous services. Those services included counseling for victims of domestic violence. She participated in several months of services, but she did not, in the end, persist. She stopped participating in the domestic violence victims' counseling; she repeatedly tested positive for marijuana; she quit one of her jobs, had no heat and was facing eviction, and she was arrested for violating her probation by associating with the person who had physically and sexually abused the two older children. At the termination hearing, the foster care worker testified that both times the children were removed, domestic violence was one of the concerns, and both times, respondent received numerous services including counseling for victims of domestic violence, but she had failed to benefit from those services.

When a child is removed from a parent's custody, the agency charged with the care of a child is required to report to the trial court the efforts made to rectify the conditions that led to the removal of the child. See *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005). Before the trial court enters an order of disposition, it is required to state whether reasonable efforts have been made to prevent the child's removal from the home or to rectify the conditions that caused the child to be removed from the home. MCL 712A.18f(4) Services are not mandated in all situations, but the statute requires the agency to justify the decision not to provide services. *In re Terry*, 240 Mich App 14, 26 n 4; 610 NW2d 563 (2000).

The evidence shows that petitioner and respondent were both aware of the numerous barriers to reunification in this case, among them respondent's relationship with an abusive partner. Petitioner provided respondent with numerous services each time the children were removed from her care, including counseling for victims of domestic violence, yet respondent failed to benefit from the services and persisted in her relationship with the abuser of her children. To be clear, it would be impermissible for a parent's parental rights to be terminated solely because he or she was a victim of domestic violence. However, this termination was properly based on the fact that respondent's own behaviors were directly harming the children or exposing them to harm. We conclude that the trial court did not err in determining that reasonable efforts had been exerted by the agency toward reunifying respondent with the children.

Affirmed.

/s/ Amy Ronayne Krause

/s/ Jane E. Markey

/s/ Deborah A. Servitto