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UNPUBLISHED
January 09, 2026
1:08 PM

In re K. S. BAKER, Minor.

No. 375684
Genesee Circuit Court
Family Division
LC No. 15-132100-NA

Before: BOONSTRA, P.J., and O'BRIEN and YOUNG, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(*i*) (conditions that led to adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood of harm if returned to parent). We affirm.

I. BACKGROUND

When respondent's child was born, the child tested positive for cocaine and methadone, and respondent admitted to using drugs in the days prior to her child's birth. Petitioner, the Department of Health and Human Services (DHHS), filed a petition, and the child was placed in a foster home.

Respondent received three hour-long visits with her child per week, drug screening, and was referred for individual counseling. However, respondent only attended 2 out of 77 drug screens that she was offered, and 10 out of 45 parenting times that she was offered. Respondent did not call or show up for 21 of these parenting times. Parenting times were suspended because of respondent's lack of attendance, and respondent did not seek to have parenting times reinstated. Respondent's counselor also rejected respondent's referral due to respondent's lack of compliance with drug screens. Moreover, respondent had inconsistent communication with her caseworkers, and she missed multiple hearings, including the termination hearing. Additionally, while the case with her child was progressing, respondent's parental rights to the child's older brother were terminated.

By the time of respondent's termination hearing, respondent had not been in contact with the foster care agency for at least two months. Respondent's parental rights were terminated as described above, and this appeal followed.

II. ANALYSIS

A. REASONABLE EFFORTS

Respondent first argues that DHHS failed to make reasonable efforts toward reunification of her and the child because DHHS failed to accommodate her substance abuse and mental health disorders. We disagree.

This Court generally reviews for clear error a finding regarding reasonable reunification efforts. *In re Atchley*, 341 Mich App 332, 338; 990 NW2d 685 (2022). "A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made." *Id*. (quotation marks and citation omitted).

Before DHHS may seek termination of parental rights, it "has an affirmative duty to make reasonable efforts to reunify a family." *In re Hicks/Brown*, 500 Mich 79, 85; 893 NW2d 637 (2017). As part of these "reasonable efforts," DHHS must 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." *Id*. at 85-86. Respondent is also required to "participate in the services and demonstrate having benefited from them." *In re MJC*, 349 Mich App 42, 50; 27 NW3d 122 (2023).

In this case, the trial court ordered a psychological evaluation for respondent, but the foster agency never referred respondent for such an evaluation. Respondent argues that, absent a psychological evaluation, DHHS and the agency could not have provided services tailored to her mental health needs. However, respondent did complete a psychological evaluation in the previous case involving the termination of respondent's rights to her older child. The results of that psychological evaluation were available to respondent's caseworker. This caseworker also spoke with respondent multiple times about a "psych eval," including offering to help respondent set one up, but respondent refused this help each time the caseworker offered.

As for accommodating respondent's substance use disorder, the record shows that respondent did not engage with the services that were offered: she only attended 2 of 77 drug screens. Respondent was provided with copies of her treatment plan by hand and by mail, but she did not sign any of them. Respondent additionally argues that her caseworkers failed to provide her with counseling because the therapist that she was referred to rejected the referral. However, this therapist expressly said that the rejection was due to respondent's failure to attend drug screens, and she also said that, if respondent consistently attended drug screens, she would accept a new referral. Respondent was made aware of this. Nonetheless, respondent did not attend drug screens. 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). Respondent ultimately had little to no contact with her caseworkers.

As for reunifying the family, DHHS set up parenting times and respondent missed 35 out of 45 parenting times, many without any notification to DHHS at all. Overall, the lack of a

psychological evaluation in this case reflects respondent's lack of engagement with services more than it does a failure to provide services, and respondent's lack of engagement with services strongly suggests that she would not have attended a psychological evaluation.

Overall, respondent has not shown that reasonable efforts were not made to prevent termination; the trial court did not err by finding that reasonable efforts were made.

B. STATUTORY GROUNDS

Next, respondent argues that the trial court erred when it found that statutory grounds for termination were present. We disagree.

The court terminated respondent's parental rights under MCL 712A.19b(3)(c)(*i*) (conditions that led to adjudication continue to exist), MCL 712A.19b(3)(g) (failure to provide proper care and custody), and MCL 712A.19b(3)(j) (reasonable likelihood of harm if returned to parent).

Termination of a respondent's parental rights is appropriate under MCL 712A.19b(3)(c)(*i*) "when the conditions that brought the children into foster care continue to exist despite time to make changes and the opportunity to take advantage of a variety of services[.]" *In re White*, 303 Mich App 701, 710; 846 NW2d 61 (2014) (quotation marks and citation omitted). The petitioner bears the burden of establishing this and any other ground by clear and convincing evidence. MCL 712A.19b(3); *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011).

In this case, the conditions that led to adjudication were respondent's substance abuse, improper supervision, threatened harm, and an "inappropriate home." Respondent did not address these conditions: she did not attend drug screens and did not obtain suitable housing. Respondent's first caseworker testified that respondent did not engage in any services, and respondent had no contact with the agency after a new worker was assigned to her case. Given respondent's lack of engagement in services, particularly her failure to attend drug screens and statements that she felt her tests would be positive, the trial court did not plainly err by finding that the conditions that brought the child into care continued to exist and were unlikely to be rectified within a reasonable time.

Because "[o]nly one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights, even if the [trial] court erroneously found sufficient evidence under other statutory grounds[,]" *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011), we need not address the other statutory grounds at issue in this case.

C. BEST INTERESTS

Finally, respondent argues that the trial court erred by finding that termination of her parental rights was in the child's best interests because respondent had a strong bond with the child. We disagree.

A trial court's finding that termination is in a child's best interests is reviewed for clear error. See *White*, 303 Mich App at 716. "A finding is clearly erroneous if, although there is

evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made." *Atchley*, 341 Mich App at 338 (quotation marks and citation omitted).

Before a trial court may terminate parental rights, it must find that termination of parental rights is in the child's best interests. MCL 712A.19b(5). The court must focus on the child and not the parent at the best-interests stage. *Atchley*, 341 Mich App at 346. The petitioner bears the burden of proving that termination is in the child's best interests by a preponderance of the evidence. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013).

"The trial court should weigh all the evidence available to determine the child's best interests," and it should consider a variety of factors, including "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 Simpson*, ___Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 368248); slip op. at 5 (cleaned up). "The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the child[ ]'s wellbeing while in care, and the possibility of adoption." *In re Rippy*, 330 Mich App 350, 360-361; 948 NW2d 131 (2019) (cleaned up). "The trial court may also consider how long the child was in foster care or placed with relatives, along with the likelihood that the child could be returned to the parents' home within the foreseeable future, if at all." *In re CJM*, ___Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 367565); slip op. at 4 (cleaned up).

The evidence in this case preponderated in favor of termination being in the child's best interests. Regarding the child's bond to respondent, a caseworker who observed parenting times testified that he "did not see the same bond" that respondent had to the child, although he conceded that "that could also be just due to [the child's] age." Respondent did appear to have a bond with her child, and in her visits with her child she "did do generally well" and was able to care for her, but she also failed to attend the majority of parenting times and, when parenting time was suspended, never sought to have it reinstated. There was also testimony that the child had a bond with her foster family and with her brother who had been adopted by that foster family. The foster family met all of the child's needs and the child referred to the foster parents as "mom and dad." The foster family were also willing to adopt the child. Overall, this suggests that the child did not have a particularly strong bond with respondent and did have a strong bond with her foster family, supporting a finding that termination was in the child's best interests.

Other best-interest factors also support such a finding. Respondent generally did not participate in services or comply with her service plan, and the child had been in foster care for roughly one and one-half years. The factors strongly favor a finding that termination of respondent's parental rights was in the child's best interests; accordingly, the trial court did not err when it made that finding.

Affirmed.

/s/ Mark T. Boonstra
/s/ Colleen A. O'Brien
/s/ Adrienne N. Young