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STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
April 23, 2026
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In re E. K. DUGGAN, Minor.

Nos. 374155; 374156
Wayne Circuit Court
Family Division
LC No. 2024-001455-NA

Before: CAMERON, P.J., and BORRELLO and SWARTZLE, JJ.

PER CURIAM.

In these consolidated appeals,[1] respondents appeal by right the trial court's order terminating their parental rights their minor child, EKD, under MCL 712A.19b(3)(b)(*i*) (parent caused physical injury or abuse and there is a reasonable likelihood of future injury or abuse), (b)(*ii*) (parent failed to prevent physical injury or abuse and there is a reasonable likelihood of future injury or abuse), (g) (parent failed to provide proper care or custody despite the financial ability to do so), (j) (reasonable likelihood that the child will be harmed if returned to the parent), and (k)(*iii*) (parent abused the child and the abuse included battering, torture, or other severe physical abuse). We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

In June 2024, respondents took EKD to an appointment with a representative of Michigan's Women, Infants and Children (WIC) program. The WIC worker observed that EKD was severely malnourished and instructed respondents to take EKD to her pediatrician. A nurse practitioner at the pediatrician's office reported that EKD appeared very thin and that the bones in her arms, skull, and rib cage were visible. Respondents took EKD to the hospital for an evaluation at the nurse's suggestion, where EKD was diagnosed with failure to thrive on the basis of her low body weight and failure to gain weight appropriately. Although respondents reported that they were giving

[1] *In re E K Duggan*, unpublished order of the Court of Appeals, entered January 29, 2025 (Docket Nos. 374155 and 374156).

EKD an appropriate amount of formula, EKD's doctors did not find this plausible, and determined that there was no medical reason why EKD could not gain weight. The medical team also evaluated EKD's arm, which had a bent appearance. Doctors determined that EKD had a month-old fracture in her right arm. Respondents attributed this injury to an incident where EKD's stroller fell over on the sidewalk with EKD inside. The medical team did not believe this was a plausible explanation for EKD's injuries and diagnosed them as nonaccidental. Respondents claimed they did not notice anything wrong with EKD's arm until they visited the beach about a month later because of the "poor lighting" in their house. But despite eventually recognizing the injury, respondents did not take EKD to the doctor until prompted by the WIC employee.

Petitioner, the Michigan Department of Health and Human Services (DHHS), initiated this action to terminate respondents' parental rights at the initial disposition. Respondents pleaded no contest to jurisdiction and the statutory grounds for termination noted above. The trial court used EKD's medical records and the photographs of her injuries taken at the hospital as the factual basis for the pleas. The trial court ultimately found that it was in EKD's best interests to terminate respondents' parental rights. This appeal followed.

II. STANDARD OF REVIEW

We review a trial court's best-interest determination for clear error. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). "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 Miller*, 347 Mich App 420, 425; 15 NW3d 287 (2023) (quotation marks and citation omitted).

III. BEST INTERESTS

Respondents contend that the trial court erred when it terminated their parental rights because termination was not in EKD's best interests. We disagree.

"The trial court must order the parent's rights terminated if [DHHS] has established a statutory ground for termination by clear and convincing evidence and it finds from a preponderance of the evidence on the whole record that termination is in the children's best interests." *In re White*, 303 Mich App at 713. "The focus at the best-interest stage has always been on the child, not the parent." *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022) (quotation marks and citation omitted).

When determining whether termination is in a child's best interests:

> [T]he court should consider a wide variety of factors that may include 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. 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 children's well-being while in care, and the possibility of adoption. [*In re White*, 303 Mich App at 713-714 (quotation marks and citations omitted).]

A child's placement with a relative "is an explicit factor to consider in determining whether termination was in the [child's] best interests." *In re Olive/Metts Minors*, 297 Mich App 35, 43; 823 NW2d 144 (2012) (quotation marks and citation omitted). "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 (quotation marks and citation omitted).

On appeal, respondent-mother argues that termination was not in EKD's best interests because she was a "young mother with little support from her family[]" who did not know any better. She further contends termination was not in EKD's best interests because she was not offered services despite wanting to learn how to properly parent EKD. Both of these arguments fail because they are premised on *respondent-mother's* interests, not EKD's. It is EKD's best interests—not respondent-mother's—that govern whether termination was proper. *In re Atchley*, 341 Mich App at 346. Aside from briefly noting that she and EKD shared a "special bond," respondent-mother makes no argument as to why the trial court's best-interests findings were erroneous. "A party cannot simply assert an error or announce a position and then leave it to this Court to discover and rationalize the basis for her claims, or unravel and elaborate for her her argument, and then search for authority either to sustain or reject her position." *In re TK*, 306 Mich App 698, 712; 859 NW2d 208 (2014) (quotation marks, brackets, and citation omitted).

Respondent-father, on the other hand, argues that the trial court erred because it failed to consider the factors in *In re White*. While he does not specify which factors the trial court failed to consider, he emphasizes the factor regarding the child's bond with the parent, arguing that the trial court did not "adequately and reasonably consider" his bond with EKD. But the record indicates that the trial court did consider EKD's bond with her parents. Respondent-father does not explain on appeal how the trial court's consideration was somehow inadequate, and, when a trial court explains its decision to terminate parental rights, "[b]rief, definite, and pertinent findings and conclusions on contested matters are sufficient." MCR 3.977(I)(1).[2]

IV. REASONABLE EFFORTS

Additionally, respondents both argue that they were wrongfully denied services.[3] We disagree.

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[2] Respondent-father also avers that the trial court's decision was not based on sufficient evidence but does not elaborate as to which decisions were unsupported by the record. Because respondent-father failed to adequately brief this claim, it is abandoned. *In re Rippy*, 330 Mich App 350, 362 n 5; 948 NW2d 131 (2019).

[3] Respondents frame this issue as applying to the trial court's best-interests analysis, but a trial court's failure to order reasonable efforts when they were required concerns procedural protections that take place *before* termination may be considered, not whether the eventual termination was in the child's best interests. See, e.g., *In re Hicks/Brown*, 500 Mich 79, 85; 893 NW2d 637 (2017) (DHHS must make reasonable efforts at reunification *before* seeking termination of parental rights,

Reasonable efforts toward reunification must be made in all cases except those involving aggravated circumstances under MCL 712A.19a(2). *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). Respondents contend there were no aggravating circumstances in this case that excused DHHS from its obligation to make reasonable efforts to return EKD to their care. Respondents' argument is without merit, as the record reflects that the relevant aggravating circumstances were present in this case.

Under MCL 712A.19a(2)(a), reasonable efforts to reunify the child and family are not required if "[t]here is a judicial determination that the parent has subjected the child to aggravated circumstances as provided in section 18(1) and (2) of the child protection law, 1975 PA 238, MCL 722.638." MCL 722.638 provides, in relevant part:

> (1) The department shall submit a petition for authorization by the court under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, if 1 or more of the following apply:
>
> (a) The department determines that a parent, guardian, or custodian, or a person who is 18 years of age or older and who resides for any length of time in the child's home, has abused the child or a sibling of the child and the abuse included 1 or more of the following:
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> * * *
>
> (*iii*) Battering, torture, or other severe physical abuse.
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> * * *
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> (2) In a petition submitted as required by subsection (1), if a parent is a suspected perpetrator or is suspected of placing the child at an unreasonable risk of harm due to the parent's failure to take reasonable steps to intervene to eliminate that risk, the department shall include a request for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIIA of 1939 PA 288, MCL 712A.19b.

The statutory grounds established by the trial court—to which respondents pleaded no contest, and do not challenge on appeal—included MCL 712A.19b(3)(k)(*iii*), which addresses when a parent abuses a child by "[b]attering, torture, or other severe physical abuse[,]" and "there is a reasonable likelihood that the child will be harmed if returned to the care of the parent[.]" The trial court's finding that this ground was satisfied necessarily means that both MCL 722.638(1) and (2) are satisfied; respondents were the suspected perpetrators—MCL 722.638(2)—of EKD's harm, which was caused by abuse including battering, torture, or other severe physical abuse—MCL 722.638(1)(a)(*iii*).

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and these efforts must include a plan to aid the respondent-parent in rectifying the issues that led to court involvement).

Affirmed.

/s/ Thomas C. Cameron
/s/ Stephen L. Borrello
/s/ Brock A. Swartzle