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UNPUBLISHED
March 10, 2026
2:18 PM

In re CUMMINGS, Minors.

Nos. 376555, 376556
Presque Isle Circuit Court
Family Division
LC No. 20-000002-NA

Before: MALDONADO, P.J., and M. J. KELLY and TREBILCOCK, JJ.

PER CURIAM.

In these consolidated appeals,[1] respondent-father and respondent-mother appeal as of right the lower court order removing their four minor children from their care. We affirm.

I. BASIC FACTS

Respondents have a long history of involvement with Children's Protective Services (CPS), with cases in Wayne County, Van Buren County, Alcona County, and Presque Isle County. As it relates to the children at issue in this case, in January 2020, a CPS investigation was initiated as a result of respondent-father crashing a motor vehicle while the children were in the vehicle. Respondent-mother reported that respondent-father had consumed a "case" of beer, and reports suggested that he had been speeding through the woods before he crashed the vehicle, causing it to roll over. Reports also indicated that the children were not fastened into car seats at the time of the crash. Instead, one child was sitting on respondent-mother's lap and another was standing in the back of the vehicle. Respondents and the two children involved in the crash stayed in the woods overnight. In the morning, a passerby found them and drove them home. When CPS arrived, the children were visibly injured. They were taken to the hospital upon the advice of the caseworker. Notably, at the hospital, respondent-mother stated that one of the children had not

[1] *In re Cummings Minors*, unpublished order of the Court of Appeals, entered August 6, 2025 (Docket Nos. 376555, 376556).

been injured in the crash. The medical examination, however, revealed that the child had a fractured arm, bruises, and a burn. The other child had some scratches.

Respondents subsequently pleaded guilty to charges of child abuse. Petitioner, the Department of Health and Human Services, requested court intervention and the trial court established a case service plan for respondents. The children were not removed from the home, services were provided, and in June 2022, the court terminated its jurisdiction upon petitioner's request.

Subsequently, in September 2024, petitioner filed a new petition, requesting that the court exercise jurisdiction over four of respondents' children. Petitioner explained that CPS had received a complaint regarding the children's hygiene and appearances at school. Specifically, the oldest child was going to school in dirty clothes and with an odor that caused other students to make complaints to their teacher. That child was also not receiving medication for his Attention Deficit Hyperactivity Disorder (ADHD), which allegedly caused him to misbehave at school, including acts of self-harm. Although CPS began providing support services, the two oldest children continued to go to school filthy, and all four of the children suffered from ongoing issues with hair lice. It was also reported that all of the children were also frequently seen at school with visible bruises and scratches. Those circumstances were confirmed by a CPS investigation.

In particular, CPS learned that one of the children was sent home with head lice. During a home visit conducted that same day, respondent-mother claimed that her child was only sick. When the child asked if she should tell the caseworker about her hair, respondent-mother "shushed" her and reminded her that she was "sick."

Subsequent visits to the family home further revealed troubling details regarding the children's living environment. During the visits, the children were seen wearing dirty and stained clothing and had visibly unclean feet. The kitchen area was covered in old food and mold was seen on piles of unwashed clothing. The family also owned three large dogs. Dog feces was observed in one of the children's bedrooms and in other places in the home. The house smelled strongly of urine and feces. The court eventually ordered removal of the dogs from the home, but respondents immediately replaced those dogs with new dogs. One of the new dogs was aggressive toward the children. Respondents were provided with laundry and cleaning supplies, but the personal hygiene issues that the children faced did not improve until their grandmother started providing in-home assistance.

Medical neglect was also a concern. During an August 2024 home visit, the caseworker requested proof of the child's ADHD prescription and completed a pill count. Although his prescription had been filled one week earlier, he only had two pills remaining. Respondent-mother claimed that she had stored his pills in a separate "pill organizer" but she could not produce it when asked to do so by the caseworker. On another occasion, the caseworker learned that one of the children had objects lodged so deeply into his ears that his doctor referred him to an "ENT" specialist for removal. Respondents did not make the appointment for over 30 days. And when they did so, it was only after petitioner insisted that the appointment be made.

During the same timeframe, respondent-father was involved in a case in Wayne County that involved two of his other children. As respondents struggled to make progress with their respective case service plans, the children's paternal grandparents, who were acting as foster parents for respondent-father's two other children, bought a house near the family home. The paternal grandmother began to assist in the family home and, as a result, the house became much cleaner and more appropriate for the children. The grandmother eventually moved into the family home, and the trial court noted the positive influence the grandmother was having on the household. Petitioner, however, expressed concern that the progress was temporary and only being made because the grandmother was in the home. Regardless, because of the improvement, the court initially declined to remove the children.

Eventually, the grandmother left the family home, and conditions started to deteriorate. The children were once again visibly filthy and dog excrement was found in a child's bed. A service worker testified about concerns she had that respondent-mother's mental health may have been "deteriorating" because she was no longer going to counseling and was no longer taking her medication. Respondent-father, on the other hand, was consistently attending counseling even though he was inconsistent with taking his prescribed medications.

The caseworker interviewed both the oldest child and the second youngest child. The second youngest child disclosed to the caseworker that respondent-mother struck her with a clothes hanger when she got into trouble, which left a bruise on the child's leg. The oldest child told the caseworker that he was scared when respondents argued with each other as these arguments involved yelling. Relatedly, the supplemental petition alleged that a domestic violence incident had recently occurred inside the home. Specifically, respondent-father had reportedly pushed respondent-mother to the ground following an argument. Respondent-mother was crying and upset. This incident happened in front of the children.

At the emergency removal hearing held after the supplemental petition was filed, the caseworker testified about the factual allegations in the petition. This caseworker also testified that removal was being sought because respondents had exhausted the services petitioner could provide and because the only progress respondents made was because of the grandmother. Petitioner indicated that foster homes had already been selected for the children.

The trial court ordered removal of the children from respondents' care. The court found that the children would be at a substantial risk of harm of physical abuse in light of respondent-mother's actions against the second youngest child as well as the danger of medical neglect because of their failure to address the oldest child's ear issues in a timely fashion. Finally, the trial court found that the children faced a risk of emotional harm because of the domestic violence incidents the children had witnessed. The trial court concluded that reasonable services had been provided given the length of the proceedings and the downward trend of respondents' progress with services.

II. REMOVAL

Respondents argue that the trial court erred by removing the children from their care and custody because there was insufficient evidence to justify their removal. "At the preliminary hearing, the court must decide whether to authorize the filing of the petition and, if authorized,

whether the child should remain in the home, be returned home, or be placed in foster care pending trial." *In re Benavides*, 334 Mich App 162, 167; 694 NW2d 108 (2020). To order removal, the trial court must find that the conditions of MCL 712A.13a(9) have been met, which are provided as follows:

> (a) Custody of the child with the parents presents a substantial risk of harm to the child's life, physical health, or mental well-being.
>
> (b) No provision of service or other arrangement except removal of the child is reasonably available to adequately safeguard the child from risk as described in subdivision (a).
>
> (c) Continuing the child's residence of the home is contrary to the child's welfare.
>
> (d) Consistent with the circumstances, reasonable efforts were made to prevent or eliminate the need for removal of the child.
>
> (e) Conditions of child custody away from the parent are adequate to safeguard the child's health and welfare.

"MCR 3.965(C)(2) and MCL 712A.13a(9) explicitly require that the trial court find *all* the factors prior to removing a child from the parent's care." *In re Williams*, 333 Mich App 172, 184; 958 NW2d 629 (2020). As explained by MCR 3.965(C)(3), the trial court must clearly state its findings regarding whether custody with a respondent-parent is contrary to the welfare of a child. Furthermore, "[i]f continuing the child's residence in the home is contrary to the welfare of the child, the court shall not return the child to the home, but shall order the child placed in the most family-like setting available consistent with the children's needs." Additionally, "[r]easonable effort findings must be made[,]" and "[w]hen the court has placed a child with someone other than the custodial parent, guardian or legal custodian, the court must determine whether reasonable efforts to prevent removal of the child have been made or that reasonable efforts to prevent removal are not required." MCR 3.965(C)(4). "[T]he trial court must make a record of its findings as to each and every factor sufficient for this Court to conduct meaningful review," but courts are "generally not obligated to articulate extensive findings regarding every conceivable detail." *In re Williams*, 333 Mich App at 184.

With respect to respondent-mother, the trial court established the factors of MCL 712A.13a(9). Regarding factors (a), (b), and (c), the trial court heard substantial testimony regarding respondent-mother's tendency to resort to physical violence and screaming to discipline the children. Prior to removal, the two oldest children were observed with bruises at school, which respondents invariably claimed were caused by the family dogs. Nevertheless, the trial court heard testimony that respondent-mother pulled on her daughter's arm and struck the second youngest child with a clothes hanger hard enough to leave a bruise. On appeal, respondent-mother argues that this act of violence is permissible under the law as an act of corporal punishment because it was reasonable and not excessive. See *In re Green*, 512 Mich 533, 550; 999 NW2d 683 (2023). This argument is misplaced. Our Supreme Court has held that "while corporal punishment is not necessarily child abuse, there is no legally recognized right to use corporal punishment that leave

marks on a child that last any longer than a *de minimis* period of time." *Id*. at 552 (citations omitted). Indeed, "corporal punishment that leaves lasting marks cannot be considered reasonable under the law." *Id.* Here, respondent-mother struck the child hard enough to leave a bruise. The mere fact that medical treatment was not necessary is not dispositive as to whether the corporal punishment was reasonable. The trial court found that the children faced a significant risk of physical abuse if they remained in the family home. In light of the record in this case, that finding was not clearly erroneous.

The children were also at risk of physical neglect. The record reflects that the children's home environment was deplorable. There was mold on clothing, the home reeked of urine and feces, and there was feces found on multiple occasions in the children's bedrooms. The children's personal hygiene was also neglected. All the children were observed to be wearing dirty clothes and to have a strong and unpleasant odor. The school-aged children went to school in soiled clothing and smelled bad enough that other children avoided them. They had head lice, which required them to miss school. The hygiene conditions improved during the period that the children's grandmother lived with them. Petitioner also provided assistance, and the court ordered the removal of the dogs so as to prevent the issues related to urine and feces. And, as noted above, during that timeframe, removal of the children was not authorized by the court. However, the removed dogs were replaced by new dogs, and when the grandmother stopped providing assistance, the children's home and personal hygiene began to deteriorate.

The trial court also found that respondent-mother stopped going to her counseling sessions and had quit taking her medication. The trial court heard testimony that these decisions, which negatively impacted her mental health, may have contributed to her outbursts of shouting and violence against the children.

In sum, the trial court was presented with substantial evidence that it was contrary to the children's welfare to remain in the care of respondent-mother. The court also heard testimony from caseworkers and service providers that indicated respondents exhausted the services petitioner provided to prevent removal and made no progress in their case service plans. Given the record before this Court, we conclude that the trial court did not clearly err by finding that reasonable efforts had been made to prevent removal. The trial court also did not err in finding that the grandparents were able to adequately provide for the children's welfare in light of the positive impact the grandmother had on their lives.

With respect to respondent-father, the record reflects that the same circumstances generally existed. Specifically, the issues related to the children's hygiene and the conditions of the home apply equally to respondent-father. He, too, displayed an inability to address the basic needs of the children. Respondent-father also failed to schedule a specialist appointment for the oldest child to address his ear issues. And, as with respondent-mother, these issues only improved when the paternal grandmother entered the home. When she left, the conditions immediately began to deteriorate.

Unlike respondent-mother, respondent-father continued to attend counseling. This is a positive indicator, although it is hampered to an extent by respondent-father's medication mismanagement issues. These issues were compounded by respondent-father's obligation to participate in drug screenings as ordered by the court handling the Wayne County case related to

his other children. During at least one screening, respondent-father tested positive for methamphetamine. The Wayne County trial court also ordered respondent-father to cease his usage of marijuana. However, respondent-father continued to test positive for marijuana throughout the proceedings.

The most concerning issue related to respondent-father was his acts of domestic violence. On appeal, respondent-father argues that the record only supported a single substantiated act of domestic violence and did not represent an ongoing pattern. However, the record reflects that during an earlier CPS proceedings, respondent-father had choked one of his other children inside his home during a physical altercation. Evidence of domestic violence that directly harms children, which is sufficient to justify the termination of parental rights, must surely serve as a proper basis for removing children from an environment where such acts may occur. See *In re Jackisch/Stamm-Jackisch*, 340 Mich App 326, 334-335; 985 NW2d 912 (2022). Here, the children witnessed respondent-father push respondent-mother to the ground, and the oldest child disclosed that he was scared when respondents argued. The trial court had an evidentiary basis to conclude that the children faced further physical or emotional harm if they stayed in the home.

In sum, the trial court did not err in finding that remaining in respondent-father's care was contrary to their welfare. Likewise, the trial court met the requirements of MCL 712A.13a(9)(d) and (e) by placing the children in the grandparents' care. Reasonable efforts were made to prevent removal and were provided not only by petitioner to respondent-father in this case, but also by the foster care workers in the Wayne County case. We find no error with the order of removal with respect to respondent-father.

Affirmed.

/s/ Allie Greenleaf Maldonado
/s/ Michael J. Kelly
/s/ Christopher M. Trebilcock