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UNPUBLISHED
October 12, 2026
11:04 AM

In re HAMILTON, Minors.

No. 379285
Cass Circuit Court
Family Division
LC No. 24-000067-NA

Before: YOUNG, P.J., and REDFORD and FEENEY, JJ.

PER CURIAM.

Respondent-mother appeals by right the order terminating her parental rights to her three minor children pursuant to MCL 712A.19b(3)(c)(*i*) (failure to rectify conditions that led to adjudication), (c)(*ii*) (failure to rectify other conditions), (g) (failure to provide proper care and custody and parent financially able to care for child but fails to do so), and (j) (reasonable likelihood of harm if returned to parent).[1] On appeal, respondent-mother argues that the trial court clearly erred by finding that the Department of Health and Human Services (DHHS) made reasonable efforts to prevent the children's removal and by finding a statutory basis to terminate her parental rights to the children. We affirm.

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On or about September 22, 2024, Children's Protective Services (CPS) received a complaint alleging that the children were discovered home alone with "pills" and coffee grounds "all over the floor" and that one child was bleeding and found inside of an oven that was on. The report alleged that respondent-mother left the children unattended "to pick up an unknown man in Battle Creek, MI."

A petition was filed and alleged that CPS had already been involved with respondent-mother "multiple times," and this was the second time that the children had been left unattended. Respondent-mother was reportedly "depressed and supposed to take medication," yet she did not

[1] The children's father was a respondent, but he is not a party to this appeal.

take medication and drank alcohol "a lot." Respondent-mother had a history of abusing alcohol, and CPS had "concerns" that she and the maternal grandmother were "on drugs." The petition further alleged that, on an unspecified date, respondent-mother attempted suicide by placing a toaster into a bathtub. Also on an unknown date, the petition alleged that respondent-mother reportedly stated: "If you don't get these kids, I will kill them."

After the September 2024 incident, the trial court ordered removal of the children from respondent-mother's care and placement under the care and supervision of the DHHS.

In October 2024, a case service plan and an initial parent-agency treatment plan (PATP) were submitted. The Initial PATP stated that respondent-mother was required to submit to drug screens and was referred for mental-health and substance-abuse assessments. Respondent-mother also "was referred to Battle Creek counseling to complete a psychological evaluation."

After a year of respondent-mother's noncompliance with services and parenting time, DHHS petitioned for termination of respondent-mother's parental rights pursuant to MCL 712A.19b(3)(c)(*i*), (c)(*ii*), (g), and (j). Respondent-mother's barriers to reunification were listed as mental health, substance abuse, parenting, employment, and financial stability.

In November 2025, the trial court conducted a termination hearing. Neither parent appeared for the hearing, despite proper notice. The court found that the DHHS made reasonable efforts and recommended that additional reunification efforts cease and that termination be ordered. The court also found that termination of respondent-mother's parental rights to the three minor children was warranted pursuant to MCL 712A.19b(3)(c)(*i*), (c)(*ii*), (g), and (j) and that termination was in the children's best interests.

Respondent-mother now appeals.

II. ANALYSIS

A. STATUTORY GROUNDS

Respondent-mother argues that the trial court clearly erred because there was not clear and convincing evidence to support a statutory basis for termination under MCL 712A.19b(3)(c)(*ii*).[2] We disagree.

[2] We understand respondent-mother's argument here as one challenging statutory grounds for termination, that she instead frames as a challenge to jurisdiction. Specifically, respondent-mother's brief confuses jurisdiction, which is established pursuant to MCL 712A.2(b), with statutory grounds for termination, which in this case were established pursuant to MCL 712A.19b(3)(c)(*i*), (c)(*ii*), (g), and (j). She asserts that "there was not clear and convincing legally admissible evidence to support the finding that Ms. Gauthier's substance abuse was another condition that exists that cause the children to come within the court's jurisdiction under MCL 712A.19b(3)(c)(*ii*)." But the trial court does not establish jurisdiction under MCL 712A.19b(3)(c)(*ii*) but rather pursuant to MCL 712A.2(b). To the extent that respondent-

To terminate parental rights, a trial court must first find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met. *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). More specifically, "[o]nly one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights, even if the court erroneously found sufficient evidence under other statutory grounds." *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011). At the termination hearing, the trial court "may take into consideration any evidence that had been properly introduced and admitted at the adjudication trial, MCR 3.977(E), along with any additional relevant and material evidence that is received by the court at the termination hearing, MCR 3.977(H)(2)." *In re Mota*, 334 Mich App 300, 316; 964 NW2d 881 (2020).

Here, the trial court found grounds for termination under MCL 712A.19b(3)(c)(*i*), (c)(*ii*), (g), and (j). Respondent-mother only challenges MCL 712A.19b(3)(c)(*ii*). Therefore, because only one statutory ground for termination must be established by clear and convincing evidence, *In re Ellis*, 294 Mich App at 32, respondent-mother's failure to challenge the trial court's findings with respect to MCL 712A.19b(3)(c)(*i*), (g), and (j) precludes appellate relief. See *Riemer v Johnson*, 311 Mich App 632, 653; 876 NW2d 279 (2015); *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds *In re Trejo*, 462 Mich 341; 612 NW2d 407 (2000).

B. REASONABLE EFFORTS

Respondent-mother next argues that the trial court clearly erred by finding that the DHHS made reasonable efforts toward reunification. We disagree.

Because this issue is not preserved, our "review is therefore limited to plain error affecting substantial rights." *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008). See also *In re MJC*, 349 Mich App 42, 47; 27 NW3d 122 (2023).

"Reasonable efforts to reunify the child and family must be made in *all* cases except those involving aggravated circumstances under MCL 712A.19a(2)."[3] *In re Rippy*, 330 Mich App 350, 355; 948 NW2d 131 (2019). "[T]ermination is improper without a finding of reasonable efforts." *In re Hicks/Brown*, 500 Mich 79, 90; 893 NW2d 637 (2017). "As part of these reasonable efforts, the Department 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. To prove a claim of lack of reasonable efforts, a respondent must show that she would have fared better had petitioner offered other services. See *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005). Though the 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;

---

mother challenges the trial court's finding of jurisdiction, she was properly adjudicated on the basis of her no-contest plea, specifically pursuant to MCL 712A.2(b)(2).

[3] There is no allegation of aggravated circumstances in this case.

824 NW2d 569 (2012). "Not only must respondent cooperate and participate in the services, [the respondent] must benefit from them." *In re TK*, 306 Mich App 698, 711; 859 NW2d 208 (2014).

In this case, the DHHS was aware of respondent-mother's mental-health struggles. Protective custody was initially sought after respondent-mother repeatedly left the children unattended in the home and engaged in three failed suicide attempts while the children were in her care. Respondent-mother responded in the negative when asked if she had any disabilities and reported that she did not receive "financial compensation for a psychiatric disability." Even so, a foster-care worker still "felt that [respondent-mother] may need a little extra" support because of suspected substance abuse. Respondent-mother argues that she was not provided with sufficient services considering her mental health struggles. See *In re Hicks/Brown*, 500 Mich at 84.

In the September 24, 2024 removal order, the trial court found that the DHHS made reasonable efforts to prevent or eliminate the need for the children's removal, including, "CPS Investigations, Prevention Program/On-going CPS case management, referral for psych eval and individual therapy, interviews w/ parents and relatives, [and] inpatient mental health treatment". The DHHS created a service plan outlining the steps that respondent-mother needed to achieve reunification. See *id*. at 86-87. The initial case service plan explicitly acknowledged respondent-mother's "untreated mental health issues" and the impact that those mental-health issues had on "her ability to care" for the children. Consequently, the DHHS referred respondent-mother for a psychological evaluation, a mental-health assessment, and a substance-abuse assessment, among other things. The DHHS referred respondent-mother for a psychological evaluation three times, and her third referral appointment was canceled after she failed to confirm. Respondent-mother was also referred to a "psychiatric provider[,] but she failed to follow through with that" too.

Respondent-mother argues that the DHHS "should have more intensive case management," but the record reveals that the DHHS provided respondent-mother with sufficient services such that respondent-mother at one point told her caseworker all the services were "overwhelming." To help respondent-mother engage in services, the caseworker would utilize various methods of communication (emails, calls, texts) to remind respondent-mother of her schedule. The caseworker provided respondent-mother with calendars that documented all services and appointment times, as well as contact information for those involved in her treatment. Transportation assistance was offered to respondent-mother, as well as multiple referrals and re-referrals for mental health services, such as the "Keeping Families Together" program and therapy through the Woodlands Behavioral Health center. Respondent-mother attended some of these services, but never continued. Respondent-mother was also referred to Family Treatment Court, but after attending one meeting, she failed to attend any others.

The various case plans and rereferrals support that the DHHS modified services several times in an attempt to accommodate respondent-mother and reunify her with the children. Respondent-mother never availed herself of the opportunity to manage her mental health, participate in services, or ultimately be reunified with her children. Taken together, the DHHS accommodated respondent-mother's mental-health struggles and made reasonable efforts toward reunification. See *In re Smith*, 324 Mich App 28, 33; 919 NW2d 427, 430 (2018) (finding reasonable efforts were made for reunification of respondent-mother suffering from mental health struggles with her child where the caseworker offered to help respondent find appropriate housing, assists with obtaining employment, and kept respondent informed of the child's medical

appointments). It is respondent-mother who failed to uphold her "commensurate responsibility" to participate in, and benefit from, the various reasonable and accommodating services that the DHHS provided. See *In re Frey*, 297 Mich App at 248.

Given the ample services provided to respondent-mother, she has not shown plain error affecting her substantial rights. See *In re MJC*, 349 Mich App at 47. The DHHS provided respondent-mother reminders of her appointments through different means of communication, provided respondent-mother priority lists and calendars, and offered her alternative services multiple times. To her children's detriment, respondent-mother did not prioritize her mental health nor meaningfully engage with the services offered to assist her with reunification. See *In re TK*, 306 Mich App at 711. Therefore, the trial court did not clearly err by finding that reasonable efforts had been made. See *In re Fried*, 266 Mich App at 542-543.

Affirmed.

/s/ Adrienne N. Young
/s/ James Robert Redford
/s/ Kathleen A. Feeney