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STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
September 04, 2026
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In re T. COCHRAN, Minor.

No. 379556
Jackson Circuit Court
Family Division
LC No. 25-002178-NA

Before: M. J. KELLY, P.J., and O'BRIEN and LIEVENSE, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child, TC, under MCL 712A.19b(3)(f). We vacate the order terminating respondent's parental rights and remand for further proceedings.

I. BACKGROUND

In February 2023, respondent left TC with petitioner, TC's maternal grandmother, and stole petitioner's car. In April 2023, TC was placed in a guardianship with petitioner. In September 2025, petitioner filed a petition asking the trial court to take jurisdiction over TC and terminate respondent's parental rights at the initial dispositional hearing. The petition alleged that the court had jurisdiction over TC because respondent failed to provide regular and substantial support for TC for more than 2 years, failed to substantially comply with the order requiring her to pay child support, and failed to regularly and substantially contact or communicate with TC for more than 2 years. The petition further alleged that, for the same reasons, termination was proper in relevant part under MCL 712A.19b(3)(f).

The trial court authorized the petition on October 9, 2025. On October 23, 2025, the court filed an "order after pretrial hearing" in which the court ordered that TC was to remain in the care of petitioner. The order checked neither the box stating that reasonable efforts had been made to preserve and reunify the family nor the box stating that reasonable efforts to preserve and reunify the family were not required.

The trial court held a trial on the petition in January 2025. After taking evidence, the trial court found that it had jurisdiction over TC under MCL 712A.2(b)(6) and that petitioner had

proven by clear and convincing evidence that termination of respondent's rights to TC was proper under MCL 712A.19b(3)(f). The trial court said nothing about reasonable efforts. The trial court held a separate best-interest hearing, and following this hearing, the court found that terminating respondent's parental rights was in TC's best interests.

The trial court entered an order terminating respondent's parental rights to TC on January 20, 2026. In this order, the trial court checked the box stating, "Reasonable efforts not required to preserve and reunify the family as determined in a prior court order."

This appeal followed.

II. REASONABLE EFFORTS

On appeal, respondent argues that the trial court erred by terminating her rights at the initial dispositional hearing instead of ordering reasonable efforts towards reunification. We agree.

A trial court's finding as to reasonable efforts is reviewed for clear error. See *In re Sanborn*, 337 Mich App 252, 258; 976 NW2d 44 (2021). See also MCR 3.977(K) ("The clearly erroneous standard shall be used in reviewing the court's findings on appeal from an order terminating parental rights.").[1]

"Reasonable efforts to reunify the child and family must be made in all cases except those" involving one of the circumstances listed in MCL 712A.19a(2). *In re Rippy*, 330 Mich App 350, 355; 948 NW2d 131 (2019). The petition in this case sought to terminate the parental rights of both respondent and TC's father at the initial dispositional hearing, but the petition alleged only that reasonable efforts were not required with respect to TC's father, stating:

> **FURTHER**, based on allegations enumerated above, aggravated circumstances exist relieving the Department of its obligation to make reasonable efforts to reunify [TC's] Father and [TC] under MCL 722.638(1) as the Department determined that a parent has abused the child and the abuse included criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.[2]

The petition said nothing about whether reasonable efforts were required with respect to respondent.

Regardless, the subsection relevant to the petition's allegation that reasonable efforts were required with respect to TC's father is MCL 712A.19a(2)(a), which provides:

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[1] Respondent did not need to object to the lack of reasonable efforts to preserve this issue for appeal because reasonable efforts were never made. See *In re Smith-Taylor*, 509 Mich 935, 935 (2022).

[2] It is unclear to what the petition is referring. It was established during the trial on the petition that TC's father was previously convicted of child abuse for giving TC an "edible." No one at trial said anything about TC's father sexually abusing TC.

> Reasonable efforts to reunify the child and family must be made in all cases except if any of the following apply:
>
> (a) There 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.[3] [MCL 712A.19a(2)(a).]

The trial court in this case never made "a judicial determination" that respondent subjected TC to one of the aggravated circumstances provided in MCL 722.638(1) and (2), as required by MCL 712A.19(2)(a).[4] The closest that the trial court came to making this determination was when the court checked the box in the order terminating respondent's parental rights that stated, "Reasonable efforts were not required to preserve and reunify the family as determined in a prior court order." Problematically, there *was no* prior court order in which the court determined that reasonable efforts were not required. And we reiterate that the petition that sought to terminate respondent's parental rights did not even allege that reasonable efforts were not required with respect to respondent.

On this record, it is wholly unclear why or on what grounds the trial court found that reasonable efforts to reunify respondent and TC were not required. This makes reviewing the basis for the trial court's decision all but impossible, but it makes resolving the issue presented on appeal relatively straightforward. Reasonable efforts are required in *all* cases except those circumstances listed in MCL 712A.19a(2).[5] The trial court here found that reasonable efforts were not required, but it never found that any of the circumstances listed in MCL 712A19a(2) existed in this case,

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[3] Aggravated circumstances listed in MCL 722.638(1) and (2) include such things as a parent abused the child; the abuse included abandonment, serious physical harm, a life-threatening injury, or criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate; and the parent was the suspected perpetrator of the abuse or is suspected of placing the child at an unreasonable risk of harm by failing to reasonably intervene to prevent the abuse.

[4] Nor did the trial court make findings from which we can infer that the court implicitly determined that aggravated circumstances existed; the trial court never found that respondent abused TC, caused harm to TC, or unreasonably failed to prevent TC from being subjected to an unreasonable risk of harm. Cf. *In re Rippy*, 330 Mich App at 358 (holding that the trial court's factual findings in support of its finding that statutory grounds were established "amount[ed] to a judicial determination that respondent subjected [the child] to aggravated circumstances as provided in MCL 722.638(1) and (2)").

[5] None of the exceptions listed in MCL 712A.19a(2) state that reasonable efforts are not required if the child is in a guardianship and the guardian initiates the petition to terminate parental rights, as happened here. This Court recently reiterated this point, observing that if respondents in this type of case were not entitled to reasonable efforts, then it would effectively mean "that parents who place their children in guardianships have fewer rights than those who have their children removed by the state[.]" *In re Rozenboom*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 371439); slip op at 9.

and we can discern no basis to conclude that any of them did.[6] Reasonable efforts were therefore required, and the trial court clearly erred when it found that they were not. Because reasonable efforts were required but not provided, we must vacate the order terminating respondent's parental rights and remand this case for further proceedings, during which respondent must be provided with reasonable efforts to reunify the child and family.

Vacated and remanded for further proceedings. We do not retain jurisdiction.

/s/ Michael J. Kelly
/s/ Colleen A. O'Brien
/s/ Andrew J. Lievense

[6] There was no "judicial determination that [respondent] subjected [TC] to aggravated circumstances as provided in" MCL 722.638(1) and (2), see MCL 712A.19a(2)(a); there is no evidence that respondent was convicted of one of the offenses listed in MCL 712A.19a(2)(b); nothing in the record suggests that respondent had her rights to TC's siblings involuntarily terminated and had failed to rectify the conditions that led to that termination, see MCL 712A.19a(2)(c); and nothing in the record suggests that respondent was required to register under the sex offenders registration act, see MCL 712A.19a(2)(d).