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STATE OF MICHIGAN

COURT OF APPEALS

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In re DRAHEIM/KELLOGG/GATES, Minors.

No. 378600
Shiawassee Circuit Court
Family Division
LC No. 24-014806-NA

Before: GADOLA, C.J., and RIORDAN and SWARTZLE, JJ.

PER CURIAM.

Respondent-mother[1] appeals as of right the trial court's order terminating her parental rights to her four minor children. We affirm.

I. BACKGROUND

Petitioner, the Department of Health and Human Services, took custody of the children on October 31, 2024, after respondent overdosed while the children were in her care. As a result of that incident, respondent was convicted of fourth-degree child abuse and neglect. The reasons for removal included domestic violence in the home, the home was in deplorable condition, the overdose incident, the children were dirty, their basic needs were not being met, and the special needs of the three oldest children, all of whom were diagnosed with autism, were not being met. Respondent pleaded to jurisdiction on December 20, 2024.

The initial dispositional hearing was held on January 17, 2025. Respondent's barriers to reunification were identified as unsuitable housing, substance abuse, mental health, improper resource management, and lack of parenting skills. A review hearing was held on April 14, 2025. Respondent was not present, and the trial court found that respondent had made no progress toward

[1] The respondent-fathers are not included in this appeal.

reunification. Respondent's parenting time was suspended on June 16, 2025, until such time as respondent could demonstrate progress toward reunification.

Another review hearing was held on August 28, 2025, at which it was reported that respondent had been sentenced to seven months in jail as a result of the child abuse and neglect case against her and was due to be released in February 2026. The trial court found no progress toward reunification, changed the goal of the proceeding from reunification to adoption, and authorized petitioner to file a supplemental termination petition.

Respondent's parental rights were terminated following a hearing on October 30, 2025. The trial court found that the conditions that led to the adjudication continued to exist and would not be resolved within a reasonable time given respondent's lack of participation in her case-service plan. The trial court also found that the children likely would be harmed if returned to respondent's care. Accordingly, the trial court found that MCL 712A.19b(3)(c)(*i*) and (3)(j) were proven as grounds for termination. Additionally, the trial court found that termination of respondent's parental rights was in the children's best interests because they needed the permanency and stability that respondent could not provide. And, the children's foster care providers were preadoptive and meeting their needs.

Respondent now appeals.

II. ANALYSIS

A. REASONABLE EFFORTS

Respondent first argues that petitioner did not make reasonable efforts toward her reunification with the children. We disagree.

"In order to preserve an argument that petitioner failed to provide adequate services, the respondent must object or indicate that the services provided to them were somehow inadequate." *In re Atchley*, 341 Mich App 332, 336; 990 NW2d 685 (2022) (cleaned up). In this case, respondent did not object or otherwise indicate that the reunification services offered to her were inadequate. Thus, this issue is unpreserved. Unpreserved challenges to the trial court's finding regarding reasonable efforts are reviewed for plain error affecting substantial rights. See *In re VanDalen*, 293 Mich App 120, 135; 809 NW2d 412 (2011). "To avoid forfeiture under the plain error rule, three requirements must be met: 1) the error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights." *Id*. (quotation marks and citation omitted). "Generally, an error affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings." *In re Utrera*, 281 Mich App 1, 9; 761 NW2d 253 (2008).

"[P]etitioner has a statutory duty to make reasonable efforts to reunify" a child and the child's parent, which includes creating "a service plan outlining the steps that both it and the parent will take to rectify the issues that led to court involvement and achieve reunification." *In re Atchley*, 341 Mich App at 338-339 (quotation marks and citation omitted). However, parents also have "a commensurate responsibility . . . to participate in the services that are offered," which includes "demonstrat[ing] that they sufficiently benefited from the services provided." *Id*. at 339 (quotation marks and citation omitted).

In this case, the services offered to respondent included assistance with finding suitable housing and rehabilitation facilities, supervised parenting time, "Family Team meetings," and mental-health and substance-abuse counseling. However, the record indicates that respondent was uncommunicative with petitioner and did not meaningfully participate in the reunification services offered until more than six months after the children's removal from her care, which included a period of about three months in which petitioner had no contact with respondent whatsoever. Respondent then was denied access to a rehabilitation facility that was suggested by petitioner because she lacked adequate insurance. Nevertheless, respondent did not accept petitioner's offer of assistance to obtain insurance through Medicaid. The only request for additional services respondent made during the pendency of the case was a request for additional housing resources, which petitioner provided. Therefore, the trial court's finding that petitioner made reasonable efforts toward reunification was not erroneous and did not amount to plain error affecting substantial rights.[2]

B. STATUTORY GROUNDS FOR TERMINATION

Respondent next argues that the trial court erred when it found that there were one or more statutory grounds for the termination of her parental rights. We disagree.

"A court may terminate a respondent's parental rights if one or more of the statutory grounds for termination listed in MCL 712A.19b(3) have been proven by clear and convincing evidence." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). "This Court reviews for clear error the trial court's factual findings and ultimate determinations on the statutory grounds for termination." *In re White*, 303 Mich App 701, 709; 846 NW2d 61 (2014). "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." *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011).

The trial court found by clear and convincing evidence that MCL 712A.19b(3)(c)(*i*) was satisfied. Termination of parental rights is appropriate under this statute if more than 182 days have passed since the initial dispositional order, and the trial court finds that "the conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." MCL 712A.19b(3)(c)(*i*).

It is uncontested that 182 or more days had passed between the initial dispositional order and the termination of respondent's parental rights. Concerning the initial conditions that led to the adjudication, the trial court identified respondent's unsuitable housing, substance abuse, mental health, lack of resource management, and lack of parenting skills as significant barriers to her reunification with the children. These conditions generally continued to exist throughout the pendency of the case, although respondent was able to complete a 30-day drug rehabilitation program at Odyssey House. Nonetheless, by the time of the termination hearing, respondent had no housing or income. Further, neither issue was likely to be resolved until she was released from jail, at which point the children would have been in foster care for well over a year.

[2] The case worker explained her personal efforts to assist respondent in this regard by, for example, agreeing to meet respondent at a Flint motel that has a reputation for being "not safe."

Notwithstanding that respondent had maintained a brief period of sobriety at the time of the termination hearing, she was unable to demonstrate a prolonged period of sobriety from all substances. Similarly, respondent was unable to demonstrate progress with her case-service plan. These ongoing issues were particularly problematic in light of the fact that three of the children have special needs.[3] Thus, the trial court did not clearly err by finding that MCL 712A.19b(3)(c)(*i*) was proven by clear and convincing evidence.[4]

C. BEST INTERESTS

Finally, respondent argues that the trial court erred when it found that termination of her parental rights was in the children's best interests because the court did not make individualized findings as to each of the minor children, failed to address the best interests of the children in light of her progress in treating her substance-abuse issues, and did not properly weigh the bond between her and the youngest child. We disagree.

"We review for clear error a trial court's factual finding that termination of a parent's parental rights is in the child's best interests." *In re Atchley*, 341 Mich App at 346. "[W]hether termination of parental rights is in the best interests of the child must be proved by a preponderance of the evidence." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). The focus of the best-interest analysis is on the child rather than the parent. *In re Mota*, 334 Mich App 300, 321; 964 NW2d 881 (2020). The following is a nonexhaustive list of the factors that a court may consider when deciding whether terminating parental rights is in a child's best interests:

> [T]he 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. Other considerations include the length of time the child was in care, the likelihood that the child could be returned to her parents' home within the foreseeable future, if at all, and compliance with the case service plan. [*In re Atchley*, 341 Mich App at 346-347 (quotation marks and citation omitted).]

When more than one child is involved, a trial court generally must consider each child's best interests separately, because while "in most cases it will be in the best interests of each child to keep brothers and sisters together, if keeping the children together is contrary to the best interests of an individual child, the best interests of that child will control." *In re Olive/Metts*, 297 Mich App at 42 (cleaned up). A trial court need not, however, make individual and "redundant factual

[3] Respondent asserts that, when announcing its opinion from the bench, the trial court held her personally responsible for being kidnapped by a male acquaintance at one point during these proceedings. However, after reviewing the trial court's comments in context, we do not believe that the trial court personally faulted respondent for being kidnapped or otherwise held her responsible for being a crime victim.

[4] Because petitioner must prove only one statutory ground for termination, we need not address whether there was clear and convincing evidence of the second statutory ground for termination. See *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009).

findings" if the children's interests do not significantly differ. *In re White*, 303 Mich App at 715-716.

In this case, the trial court's factual findings in support of its best-interest determination were minimal but, nonetheless, were supported by the evidence and did not amount to clear error. Respondent was largely noncompliant with her case-service plan and had only been sober for a short time. It also was unlikely that the children would be able to return to her care in the foreseeable future. The three oldest children had special needs and did not show a strong bond with respondent and, while the youngest child did show a bond with respondent, it was not error for the trial court to conclude that the bond did not outweigh the factors in favor of termination as to the youngest child. The children also were in a preadoptive foster care placement where their needs were being met, which showed a clear advantage over respondent's home environment.[5]

Respondent argues that the trial court erred because it did not make individualized best-interest findings as to each child. However, the trial court was not required to make redundant factual findings because the interests of the children and their needs for stable and clean housing, education, and medical and dental care did not significantly differ from one another. See *id*. As a result, the trial court did not clearly err when it found that termination of respondent's parental rights was in the children's best interests.

III. CONCLUSION

There were no errors warranting relief. Accordingly, we affirm.

/s/ Michael F. Gadola
/s/ Michael J. Riordan
/s/ Brock A. Swartzle

[5] We note that a post-termination report drafted and filed in February 2026 by the guardian ad-litem indicates that "[t]he children's improvement is way beyond anything I have ever seen before," and "the foster family will go forward with the adoption of these minor children."