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STATE OF MICHIGAN

COURT OF APPEALS

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In re RICHARDSON, Minors.

No. 378517
Jackson Circuit Court
Family Division
LC No. 11-000976-NA

Before: GADOLA, C.J., and BOONSTRA and CAMERON, JJ.

PER CURIAM.

Respondent-mother appeals as of right the trial court order terminating her parental rights to the minor children JR-2 and ZR under MCL 712A.19b(3)(c)(*i*) (conditions of adjudication continue to exist). We affirm.

I. FACTS

In 2011, Children's Protective Services (CPS) petitioned for the removal of JR-1 and another one of respondent-mother's children, after both JR-1 and the other child tested positive for THC at birth. The petition was discharged after respondent-mother signed a power of attorney to her now deceased grandmother. In January 2016, CPS opened another case against respondent-mother after JR-2 tested positive for THC at birth. In 2021, CPS was again involved after respondent-mother's infant daughter died in 2020; CPS alleged that respondent-mother was physically neglecting and improperly supervising the other children in the home. In April 2023, shortly after ZR was born, respondent-mother tested positive for methamphetamines and THC, and ZR's cord segment tested positive for THC, oxymorphone, noroxymorphone, amphetamines, and methamphetamines. CPS received a referral alleging that respondent-mother gave birth to "her fourth drug-positive infant," ZR. During the investigation it was discovered the respondent-mother had "medically neglected" JR-2. JR-2 was born with cerebral palsy and required bi-yearly checkups with neurosurgery, plus weekly physical, occupational, and speech-therapy appointments, but had not visited neurosurgery since 2018 and had not attended any of the therapy appointments since 2019. Neither JR-1 nor JR-2 were attending school at that time.

In August 2023, the Department of Health and Human Services (DHHS) petitioned the trial court to exercise jurisdiction over JR-1, JR-2, and ZR. The trial court authorized the petition

and ordered that the children remain with respondent-mother under the supervision of the DHHS. Respondent-mother continued to have issues scheduling and attending JR-2's required medical appointments. In December 2023, JR-2's school reported to CPS that JR-2 smelled of urine and was observed "in pants and underwear stained yellow but dry." Respondent-mother also failed to take ZR to his six-month wellness appointment in October 2023. CPS offered respondent-mother a week of paid childcare to provide her an opportunity to clean up her home, which "was extremely cluttered," but respondent-mother declined the services.

In January 2024, the DHHS filed a supplemental petition with the trial court, requesting that JR-1, JR-2, and ZR be removed from respondent-mother's home because "[i]t is contrary to the welfare of the children to remain in the care of their mother due to ongoing concerns of medical neglect. . . . [Respondent-mother] continues to refuse to participate in services or cooperate with the agency and has continued to miss medical appointments," and "[t]he children are at imminent and substantial risk of harm." The supplemental petition was granted on the same day, and an order was issued for protective custody of the children.

In April 2025, the DHHS filed a supplemental petition requesting termination of respondent-mother's parental rights, stating that "[t]hroughout the CPS court process [respondent-mother] has refused to engage in or participate in services recommended or offered by [the DHHS] to address concerns of medical neglect, substance abuse, mental health needs[,] home conditions, and parenting skills." The first day of the termination trial was held in June 2025. The trial court concluded trial by finding, "I'm not convinced today that it is in the best interest of any of these children to terminate [respondent-mother's] parental rights. I'm going to give [her] a little more time."

In October 2025, the DHHS filed another supplemental petition, requesting again that respondent-mother's parental rights be terminated as to JR-2 and ZR. The petition no longer included JR-1 because he was of an age at which he could choose not to be adopted, and his new permanency plan was a guardianship.

On the second day of the termination trial, held in November 2025, the caseworker testified that respondent-mother continued to miss medical appointments, failed to engage with her therapist or to attend group therapy sessions, and had only attended 15 out of the 56 drug screens that were ordered throughout the proceedings. The trial court concluded trial by terminating respondent-mother's parental rights to JR-2 and ZR. The trial court first found that termination was appropriate under MCL 712A.19b(3)(c)(*i*) because the conditions that led to adjudication, including respondent-mother's "[s]evere medical and dental neglect . . . particularly with [JR-2], who has significant medical needs" and respondent-mother's mental-health issues, continued to exist, "and there's no reasonable likelihood that the conditions will be rectified in a reasonable period of time considering [the children's] age." Regarding the children's best interests, the trial court concluded that JR-2 and ZR have

> got a cloud of uncertainty hanging over their head that's been hanging over their heads for two years. The fact that there—there's a bond obviously exists, but there's also a bond with placement. But this uncertainty, this lack of permanency, and no reasonable expectation that they would be able to return home in a reasonable period of time, given mom's lack of participation and lack of benefit

> from services, there's just no reasonable likelihood. There's no good reason for me to keep this case open. For the sake of these children I need to close this case and allow them to move on towards permanency.

Respondent-mother now appeals as of right, arguing that the trial court erred by finding statutory grounds for termination and by finding that termination was in the children's best interests.

II. DISCUSSION

"We review for clear error both the trial court's decision that a [statutory] ground for termination has been proven by clear and convincing evidence and . . . the court's decision regarding the child's best interests. . . ." *In re Olive/Metts Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012) (citations and quotation marks omitted). "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 BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

A. STATUTORY GROUNDS

Respondent-mother challenges the trial court's finding that termination was supported under MCL 712A.19b(3)(c)(*i*).

"In order to terminate parental rights, the trial court must 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). Termination of parental rights is proper under MCL 712A.19b(3)(c)(*i*) when 182 or more days have passed since the initial disposition order, and "the totality of the evidence amply supports that [respondent-mother] had not accomplished any meaningful change in the conditions" that led to the adjudication, *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009), and she would not be able to rectify those conditions within a reasonable time.

The trial court found that respondent-mother failed to rectify her medical neglect of the children, her substance abuse, and her mental-health issues, stating that respondent-mother continued to present with "[l]ack of empathy for her children, lack of insight, lack of cooperation, psychopathology, extremely long documented history of failure to provide even basic or minimal medical care for her special needs daughter and her other children." The record supports the trial court's findings.

The initial disposition order was filed on March 29, 2024, and the final day of the trial was held on November 19, 2025, over 19 months later. Respondent-mother's primary barriers to reunification at the start of the proceedings were her substance abuse, medical neglect of the children, and mental-health issues. The DHHS caseworker testified at the June 2025 trial that respondent-mother's participation in drug screens was still "minimal." It was reported that respondent-mother's participation in her children's medical appointments was "about the same" since the first reporting period. She further testified that respondent-mother failed to participate in counseling for her mental health since proceedings began, which she was referred to by the

DHHS. The trial court concluded the trial by giving respondent-mother "a little more time" to rectify those conditions, specifically ordering her to get assistance for her mental health and substance-abuse disorder.

Five months later, at the November 2025 trial, the caseworker affirmed that respondent-mother was attending therapy, but that respondent-mother's therapist reported that her involvement "was superficial." The caseworker further testified that respondent-mother missed four appointments scheduled for her for other mental-health services. It was reported that respondent-mother only participated in approximately 27% of all drug screens offered throughout the proceedings and that all completed drug screens were positive for THC. The caseworker also testified that respondent-mother only attended approximately 22% of the children's scheduled medical or dental appointments throughout the proceedings and that she only scheduled one of those appointments herself. An incident was detailed in which respondent-mother became aggressive with ZR at ZR's medical appointment. Accordingly, the totality of the evidence supported the trial court's finding that respondent-mother had not accomplished any meaningful change in the conditions that led to the adjudication. See *id*.

Respondent-mother argues that the trial court focused on respondent-mother's drug use, citing *In re LaFrance*, 306 Mich App 713, 731; 858 NW2d 143 (2014), in support of her argument, in which this Court held that "drug use alone, in the absence of any connection to abuse or neglect, cannot justify termination solely through operation of the doctrine of anticipatory neglect." Citing *In re Richardson*, 329 Mich App 232, 255; 961 NW2d 499 (2019), respondent-mother further argues that the trial court failed to present facts within the record demonstrating that her actions were "presenting an articulable risk of harm" to the children and that the trial court erroneously presumed a risk of harm to the children from "personal disapproval" of respondent-mother's drug use. We are not persuaded by this argument.

JR-1, JR-2, and ZR were all born THC positive at birth. ZR also tested positive for oxymorphone, noroxymorphone, amphetamines, and methamphetamines at birth. It was reported in the January 2024 amended supplemental petition that when CPS went to inform respondent-mother of the ex parte removal order, there was concern that respondent-mother was under the influence of substances "based on [her] demeanor." ZR was found in the home on the floor of a closet with several injuries. Following respondent-mother's completion of a psychological evaluation in April 2024, respondent-mother was diagnosed with "stimulant use disorder, cannabis use disorder, bipolar disorder, and PTSD," and the doctor stated that she would not recommend [respondent-mother] for custodial parent . . . in part [because] of her substance abuse." Later, when scheduled for a substance-abuse evaluation at Family Services and Children's Aid, respondent-mother incorrectly stated that she had no need for substance-abuse services. Overall, the record demonstrates that respondent-mother's drug use was connected to the abuse and neglect of her children and presented an articulable risk of harm to them since their birth. The respondent-mother's drug use combined with the continuing medical neglect of the children and her mental health issues that she has been unable to consistently address, support the trial court's finding that termination was supported under MCL 712A.19b(3)(c)(*i*).

B. BEST INTERESTS

"Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App at 40. "Best interests are determined on the basis of the preponderance of the evidence." *In re LaFrance*, 306 Mich Appat 733. When considering best interests, the focus is on the child's interests rather than the parent's interests. *In re Moss*, 301 Mich App 76, 87; 836 NW2d 182 (2013). "The trial court should weigh all the evidence available to determine the children's best interests." *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). When deciding whether termination is in the child's best interests, the trial court "may consider 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." *In re Olive/Metts*, 297 Mich App at 41-42 (citations omitted). The trial court can also consider the likelihood that "the child could be returned to [the] parent[']s home within the foreseeable future, if at all." *In re Frey*, 297 Mich App 242, 248-249; 824 NW2d 569 (2012).

In *In re Olive/Metts*, 297 Mich App at 42, this Court held that "the trial court has a duty to decide the best interests of each child individually." See *In re JMG/JGG/JMG*, 516 Mich 960, 960 (2025). But in *In re White*, 303 Mich App at 715, this Court also held that individualized best-interest inquiries are required only when "the best interests of the individual children *significantly* differ . . . ."

Respondent-mother argues that the trial court clearly erred by finding that termination was in JR-2 and ZR's best interests because it did not make best-interest determinations as to each child separately. We disagree.

In reporting its findings with respect to JR-2 and ZR's best interests, the trial court jointly addressed JR-2 and ZR's bonds with respondent-mother, bonds with their separate placements, and their needs for permanency. See *In re Olive/Metts*, 297 Mich App at 41-42. The trial court did not make individualized best-interest determinations as to JR-2 and ZR because their best interests are aligned. See *In re White*, 303 Mich App at 715. Individualized best-interest inquiries are not required in this case because the best interests of the individual children do not significantly differ and trial courts are not required "to explicitly make individual and . . . redundant factual findings concerning each child's best interests." *Id*. at 716.

At the time of termination, JR-2 was 10 years old and ZR was 2 years old. Both children required a level of parenting, such as making and attending medical and dental appointments, that respondent-mother could not provide due to her drug use combined with her mental health issues that she had been unable to consistently address. Both JR-2 and ZR had been in foster homes for around two years, and it was in their best interest to terminate respondent-mother's parental rights because they needed permanency, stability, and finality.

It is clear from the record that the trial court did not clearly err when it jointly addressed the best interests of JR-2 and ZR. See *id*.

Affirmed.

/s/ Michael F. Gadola
/s/ Mark T. Boonstra
/s/ Thomas C. Cameron