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STATE OF MICHIGAN

COURT OF APPEALS

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In re WHEELER, Minors.

Nos. 379315; 379316
Oakland Circuit Court
Family Division
LC No. 22-885329-NA

Before: ACKERMAN, P.J., and BAZZI and LIEVENSE, JJ.

PER CURIAM.

In these consolidated appeals,[1] respondents appeal as of right the trial court's orders terminating their parental rights to their minor children under MCL 712A.19b(3)(c)(*i*), (g), and (j). We affirm.

I. BACKGROUND

Respondents share four children: KW, GW, AW, and AMW. In December 2022, the children's school district petitioned the trial court to exercise jurisdiction over KW and GW after they missed a total of 135 and 109 school days, respectively, during the 2021–2022 school year and the first half of the 2022–2023 school year. The trial court found statutory grounds to exercise in-home jurisdiction over KW and GW under MCL 712A.2(b)(1), and it ordered the Department of Health and Human Services (DHHS) to assign to the family a caseworker who could investigate, attend hearings, and provide court-ordered supervision and foster-care services. At a subsequent dispositional hearing in May 2023, the court ordered respondents to comply with a parent-agency treatment plan designed to ensure that KW and GW regularly attended school. Respondents were ordered to participate in, among other things, the Families First Program and Early On services, and respondent-mother was ordered to participate in mental health treatment.

[1] *In re Wheeler Minors*, unpublished order of the Court of Appeals, entered February 11, 2026 (Docket Nos. 379315 and 379316).

At review hearings in the year following the adjudication, respondents demonstrated inconsistent progress and limited compliance with the treatment plan. Then, in May 2024, the police were dispatched to the family home to investigate a domestic violence complaint. Later that evening, respondent-mother met with Children's Protective Services. She voluntarily submitted to a drug screen and tested positive for cocaine. Respondent-mother had been driving with the children shortly before the drug screen.

In August 2024, DHHS petitioned the court to authorize a neglect petition, take jurisdiction over all four of respondents' children, and remove the children from the home. The petition set forth allegations concerning the events in May 2024 and further alleged that respondents were not complying with the treatment plan imposed during the educational-neglect proceedings and that respondents tested positive for controlled substances during the pendency of those proceedings. The petition also alleged that the three youngest children tested positive for controlled substances at birth and that respondents had neglected the children's medical and dental needs. The court authorized the petition, took jurisdiction over the children following respondents' no-contest pleas, and then ordered that respondents comply with a treatment plan designed to address substance abuse issues, mental health concerns, domestic violence issues, and medical and educational neglect of the children.

In the months that followed, respondents failed to meaningfully engage with their treatment plans. Consequently, in August 2025, DHHS filed a supplemental petition to terminate respondents' parental rights. The petition alleged, among other things, that respondents had not participated in or benefited from their treatment plans. The trial court thereafter found clear and convincing evidence to terminate respondents' parental rights under MCL 712A.19b(3)(c)(*i*), (g), and (j), and it found that termination was in the children's best interests. These appeals followed.

II. DISCUSSION

A. STATUTORY GROUNDS

Respondent-father contends that the trial court clearly erred by finding statutory grounds to terminate his parental rights. To terminate parental rights, a trial court must find by clear and convincing evidence that a statutory ground for termination under MCL 712A.19b(3) has been established. *In re Jackisch/Stamm-Jackisch*, 340 Mich App 326, 333; 985 NW2d 912 (2022). We review that finding for clear error. *Id*. "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." *Id*. (citation omitted).

The trial court terminated respondent-father's parental rights under MCL 712A.19b(3)(c)(*i*), (g), and (j), which permit termination when:

> (c) The parent was a respondent in a proceeding brought under this chapter, 182 days or more have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:
>
> (*i*) 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.

* * *

> (g) The parent, although, in the court's discretion, financially able to do so, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.
>
> * * *
>
> (j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if the child is returned to the home of the parent.

On appeal, respondent-father does not identify any specific statutory-ground finding that constitutes error. Instead, he argues that the trial court erred by finding that DHHS made reasonable efforts to reunify the family. But "DHHS's duty to make reasonable efforts toward reunification is distinct from its duty to prove at least one statutory ground for termination by clear and convincing evidence." *In re MJC*, 349 Mich App 42, 50; 27 NW3d 122 (2023). Respondent-father does not challenge the trial court's reasonable-efforts findings in his statement of questions presented, and he has therefore abandoned that argument. See *In re Rippy*, 330 Mich App 350, 362 n 5; 948 NW2d 131 (2019) (deeming the respondent's best-interest argument abandoned when she failed to raise the issue in her statement of questions presented). Further, because respondent-father presents no analysis concerning the propriety of the statutory-grounds findings, that argument is also abandoned. See *id*. ("Insufficiently briefed issues are deemed abandoned on appeal.") (citation omitted).

B. BEST INTERESTS

Both respondents challenge the trial court's best-interest findings. Even if a trial court finds that a statutory ground for termination has been established by clear and convincing evidence, "it cannot terminate the parent's parental rights unless it also finds by a preponderance of the evidence that termination is in the best interests of the children." *In re Gonzales/Martinez*, 310 Mich App 426, 434; 871 NW2d 868 (2015). We review that determination for clear error. *In re Sanborn*, 337 Mich App 252, 276; 976 NW2d 44 (2021).

In making a best-interest determination, the focus "is on the child, not the parent." *In re MJC*, 349 Mich App at 62. Relevant considerations include:

> the child's bond with the parent; the parent's parenting ability; and the child's need for permanency, stability, and finality. Other factors that the court may consider include the parent's history, the parent's psychological evaluation, the age of the child, and a parent's substance-abuse history. The court may also consider whether the parent can provide a permanent, safe, and stable home. Additionally, the court may consider the parent's compliance with his or her case service plan, the parent's visitation history with the child, the [child's] well-being while in care, and the possibility of adoption. [*Id*. (quotation marks and citations omitted; alteration in original.)]

When the child is placed with a relative, the trial court must explicitly consider that placement in its best-interest analysis. *In re Olive/Metts*, 297 Mich App 35, 43; 823 NW2d 144 (2012). Although such placement weighs against termination, it is not dispositive. *In re Mota*, 334 Mich App 300, 321; 964 NW2d 881 (2020). "The trial court's findings need not be extensive: brief, definite, and pertinent findings and conclusions on contested matters are sufficient." *In re MJC*, 349 Mich App at 62 (cleaned up).

In this case, the trial court considered respondents' parenting abilities and the children's safety and well-being and found that these factors weighed in favor of termination, noting respondents' failure to participate in and benefit from their treatment plans. The court did not err in this regard. The children came into care because of domestic violence issues, substance abuse concerns, untreated mental health issues, and medical and educational neglect. Despite being offered a multitude of services both in this case and in relation to the educational neglect petition, respondents did not meaningfully address the reasons the children came into care. In turn, respondent-mother's mental health issues, respondents' continued substance abuse, and their poor parenting skills impaired their ability to safely parent their children. There was more than a preponderance of the evidence that the children would not be safe in respondents' care.

The court also considered the nature of the bond between respondents and their children and properly concluded that this was a factor that weighed in favor of termination. The court found that the bond between respondents and the children was weak, and that finding is supported by the record. The caseworker testified that a moderate bond existed between respondents and their children, but she opined that the bond was diminishing. The diminishing bond was directly related to respondents' failure to consistently attend parenting time. They attended fewer than half of the parenting times offered. When respondents did attend parenting time, there was evidence that they made promises to the children that they failed to keep, including promising to attend parenting time more consistently. The children were clearly impacted by respondents' actions. KW, GW, and AW frequently expressed disappointment and frustration when respondents did not live up to their promises. AW stopped asking when he would next see respondents. KW and GW revealed that they could not trust their mother. There was also testimony that respondent-mother was unable to soothe AMW, the youngest child, when AMW was distraught. In general, the existence of a bond is a factor that would weigh in favor of preserving a respondent's parental rights. However, considering the record, it is clear that the nature of the parent-child bond was a factor that weighed in favor of terminating respondents' parental rights.

The history of domestic violence is another factor that a court may consider when evaluating a child's best interests. The record established that there were at least three domestic violence incidents involving respondents. Two of these incidents occurred while the children were present. The court ordered respondents to participate in and benefit from domestic violence counseling. Respondents ignored this order for much of the case and then, shortly before the best-interest hearing, they attended a four-hour online domestic violence class that did not comport with DHHS's requirements or the terms of their treatment plans. Even respondent-mother candidly admitted that respondents probably required more domestic violence counseling. The record supported a finding that domestic violence remained a concern in this case. Accordingly, this factor clearly weighed in favor of terminating respondents' parental rights.

The court also considered the children's need for permanence, stability, and finality, and properly concluded that these factors weighed in favor of terminating parental rights. At the time of termination, KW was 10 years old, GW was 9 years old, AW was 5 years old, and AMW was 2 years old. The court and DHHS had been part of the young children's lives since 2022 when the educational neglect petition was filed. At the time of termination, the children had been out of the family home for approximately 17 months. Although this would be significant for any child, it was particularly significant to AMW, who had spent nearly her entire life in foster care. Termination of respondents' parental rights was the only avenue by which the children could be available for adoption. Indeed, termination would give the children the opportunity to achieve the stability, permanence, and finality they deserved. Accordingly, these factors weighed in favor of terminating respondents' parental rights.

Additionally, when considering a child's best interests, the court may consider the advantages of a foster home over the parent's home. *In re Olive/Metts,* 297 Mich App at 42. Further, the trial court may consider the possibility of adoption. *In re White,* 303 Mich App 701, 713; 846 NW2d 61 (2014). The record demonstrated that the children were doing well in their relative placement and that all their needs were being met. The caregivers ensured that the children were receiving the dental treatment they desperately needed. They also helped KW and GW secure the services they required to overcome years of educational neglect perpetrated by respondents. By contrast, at no time did respondents demonstrate that they were capable of parenting their children. Further, terminating respondents' parental rights would give the children an opportunity to achieve permanency through adoption. While it is true that the children's caregivers were still discussing whether they were financially able to adopt four children, the caregivers continued to express an interest in adopting the children in their care. Moreover, there was testimony that other relatives were interested in adopting the children. In this case, a preponderance of the evidence supported a finding that the home provided by the relative caregivers was preferable to respondents' home because it would provide the children with the care and support they required to facilitate their continued growth and development.

The court also considered the fact that the children were placed together with a relative. Relative placement is a factor that weighs against termination of parental rights. *In re Olive/Metts*, 297 Mich App at 41-42. That is because a relative caretaker may be open to allowing the parent to maintain a relationship with the child, and maintenance of that relationship may be in the child's best interests. *In re Mason*, 486 Mich 142, 168-169; 782 NW2d 747 (2010). Although placement with a relative weighs against termination, it is not dispositive because a trial court "may terminate parental rights in lieu of placement with relatives if it finds that termination is in the child's best interests . . . ." *In re Olive/Metts*, 297 Mich App at 43. The fact that the children were placed with a relative in this case did not create a situation in which respondent-mother could maintain a close relationship with the children and their relative caregiver. Respondent-mother had engaged in threatening and aggressive behavior toward one of the relative caregivers. Respondent-mother and the relative both acknowledged that they had no relationship and, indeed, could not respectfully communicate with each other. Under these circumstances, the fact that the children were placed with a relative was not a particularly compelling factor to support preserving respondents' parental rights.

On this record, the trial court did not clearly err when it found that termination of respondents' parental rights to KW, GW, AW, and AMW was in the children's best interests.

There was little to no evidence that respondents were able to ensure the children's safety and stability and provide for their needs. Continuing the parent-child relationship would have been detrimental to the children's physical, educational, and emotional well-being. The court properly weighed the relevant factors, and, on balance, a preponderance of the evidence weighed in favor of terminating respondents' parental rights.

Affirmed.

/s/ Matthew S. Ackerman
/s/ Mariam Saad Bazzi
/s/ Andrew J. Lievense