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STATE OF MICHIGAN

COURT OF APPEALS

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August 17, 2026
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In re A REEVES III, Minor.

No. 378119
Shiawassee Circuit Court
Family Division
LC No. 22-014537-NA

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

PER CURIAM.

Respondent-mother appeals as of right the trial court's order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(*i*) and (j). On appeal, respondent argues that (1) petitioner failed to make reasonable efforts for reunification, (2) the trial court erred by failing to sufficiently satisfy her request for funding of an expert witness, (3) petitioner failed to prove that either ground for termination existed, and (4) the trial court erred by finding that termination was in the child's best interests. We disagree and affirm.

I. BACKGROUND FACTS

This matter commenced in 2016, when the minor child and respondent were travelling in a car driven by an intoxicated driver. Respondent also was drunk. Unfortunately, as often happens with an intoxicated driver, there was a car accident. The child was not properly restrained in a car seat at the time of the accident. Since the accident, respondent has been in several other alcohol- and drug-related incidents, many of which concerned her boyfriend, Jason Redmond. There also have been acts of domestic violence between them. In 2022, respondent served about eight months in jail for assaulting Redmond during one of those incidents. Eventually, in January 2023, petitioner filed the instant child-protective petition in the trial court, requesting that the court exercise jurisdiction over the child in light of these repeated domestic-violence incidents in the presence of the child, and the related fact that the home was physically unsuitable for the child. In April 2023, respondent pleaded no contest to the allegations in the amended petition.

At an August 2023 hearing, petitioner informed the trial court that respondent had again been arrested for assaulting Redmond and that she was expected to serve up to one year in jail, and

"[p]rior to her going to jail, she had not participated in any services with the Department that's been recommended since ongoing CPS had been involved at the time of the removal of the child."

A few months later, at a January 2024 hearing, petitioner informed the trial court that a case worker had been meeting with respondent "every month and discussing [the child's] progress and how he's doing. Sharing the PATP's [parent-agency treatment plans] with her of what or recommendations will be once she's released." But, petitioner was either not offering or unable to provide any substantive services to respondent during her incarceration, as the county jail did not even allow visitation with the child. Respondent was expected to be released in May 2024, at which point she understood that "she needs to follow the recommendations of the PATP and show a viable benefit of services."

Respondent appeared to demonstrate some progress, or at least attempts to do so, during the following three months. At an October 2024 hearing, petitioner and respondent's counsel informed the trial court that she had started therapy through Recovery Pathways, only tested positive for marijuana in some of her drug screens, completed one or two classes with Catholic Charities, was trying to get enrolled into a domestic-violence class with Recovery Pathways, and was working on her GED.[1]

At a January 2025 hearing, petitioner indicated that respondent continued to show some effort while otherwise engaging in inappropriate or unhelpful conduct. To her credit, respondent had completed a few classes and was working on a few others. On the other hand, respondent continued to reside with Redmond where, the case worker explained, since "August there's been like two [police] calls every week for unwanted subjects in the home. [Respondent] is one of those subjects." The case worker noted that respondent currently receives one hour of supervised parenting time per week, and the case worker would be opposed to additional, unsupervised parenting time because Redmond would likely be involved somehow, and the child himself is opposed to any parenting time. However, at the conclusion of the hearing, the trial court ordered that parenting time increase to three supervised hours per week.

Unfortunately, testimony at a March 2025 hearing indicated that respondent's progress stagnated. According to the case worker, respondent continued to reside with Redmond and claimed that she recently obtained employment, although petitioner was unable to confirm that fact. Moreover, a "bond assessment" prepared by Dr. Lynn Simons discussing the relationship between respondent and her child essentially indicated that "there is minimal evidence that mother has actually incorporated any benefit from the services she has participated in," and Dr. Simons suggested that parenting time be suspended.[2] In addition, the child's therapist testified that the child reacted anxiously and poorly to parenting time, and the therapist similarly recommended that

[1] Also in October 2024, the child and his foster parent relocated from Owosso to Grand Rapids, thus necessitating a four-hour drive, round trip, by the case worker and the child for respondent and the child to have their weekly one hour of visitation.

[2] It was implicitly understood that Dr. Simons would be testifying at the termination trial as an expert on petitioner's behalf. Indeed, Dr. Simons testified at length during trial.

parenting time be limited or cancelled. At the conclusion of the hearing, the trial court allowed petitioner to change the goal from reunification to termination of parental rights.

Before the termination trial, respondent filed a motion requesting that she "be allowed the opportunity to have an independent parenting evaluation" at court expense. At the motion hearing, the trial court ruled that it would grant respondent a psychological evaluation but not a more expensive evaluation. The same day, the trial court entered a written order to that effect.

Respondent filed an objection to that order, asserting "[t]hat Respondent believes that this Court's limiting her ability to only having a psychological evaluation done will result in the Respondent receiving a fundamentally unfair trial" because "the Respondent's expert will only be able to testify as to only one of the multiple facets that Petitioner's expert will be testifying to[.]" Thus, respondent requested that the trial court approve "the reimbursement amount of $2,500-$3,000 dollars, to be paid so as to guarantee the Respondent the ability to secure her expert capacity to a Parent Evaluation with Dr. Julia J. Cunningham," as well as expressly allow respondent to petition the court for additional testing and fees regarding Dr. Cunningham's professional expertise. The same day, the trial court entered an ex parte order granting these requests.

At the termination trial, respondent acknowledged her various successes and failures throughout this case. Respondent also acknowledged that as of August 2025, she still was living with Redmond despite the obvious issues with that situation. Indeed, the police reported to Redmond's home a couple of months earlier for a domestic dispute between Redmond and respondent. Respondent explained that she had no other housing options at the moment, although she was working part-time.

Dr. Simons testified at length about her evaluation of respondent, opining that respondent had certain mental-health issues and displayed inappropriate parenting behaviors, such as criticism of poor school grades, that caused her to be an inadequate parent. On the other hand, Dr. Cunningham "did not find any current psychological factors that would disrupt her capacity to parent."

At the conclusion of the termination trial, the trial court found that petitioner proved grounds for termination under MCL 712A.19b(3)(c)(*i*) and (j). With regard to the former, the trial court reasoned that respondent uses marijuana recreationally, was "still residing with that domestic partner and estimated she would not be able to leave that environment for at least another year," and had "mental health barriers that would prevent her from maintaining an appropriate bond between parent and child." With regard to the latter, the trial court reasoned that "she's still residing in an environment that presents significant domestic violence concerns." Then, the trial court found that termination of respondent's parental rights was in the child's best interests because the child "has no appreciable bond with his mother and she lacks either the skills or the willingness to foster such a bond," the foster home was appropriate, respondent had continuing issues with domestic violence and substance abuse, and "the Court has had ample opportunity to observe mother here in court and her expressions of disgust and distain."

The trial court entered its written order memorializing its decision that day. This appeal followed.

II. REASONABLE EFFORTS

Respondent first argues that the trial court erred by finding that petitioner made reasonable efforts for reunification. Respondent asserts that petitioner failed to provide reasonable efforts in light of her incarceration in county jail between about August 2023 and April 2024, her ongoing housing issues throughout these proceedings, and by allowing the child to live with a foster parent two hours away beginning in October 2024. We disagree.

Ordinarily, "we review for clear error the trial court's factual finding that petitioner made reasonable efforts to reunify respondents with the child." *In re Atchley*, 341 Mich App 332, 338; 990 NW2d 685 (2022). "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." *Id*. (quotation marks and citation omitted). However, to preserve an issue regarding reasonable efforts for reunification, a respondent must raise the issue when the case-service plan is adopted or, depending on the circumstances of the case, later in the proceedings. *Id*. at 337. In this case, we are unable to identify any such an objection in the record.[3] Therefore, we review this unpreserved issue for plain error affecting substantial rights. See *In re Sanborn*, 337 Mich App 252, 258; 976 NW2d 44 (2021). "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." *Id*. (quotation marks and citation omitted). In any event, our resolution of this issue remains unaffected regardless of the standard of review we apply.

"Under Michigan's Probate Code, the Department has an affirmative duty to make reasonable efforts to reunify a family before seeking termination of parental rights." *In re Hicks/Brown*, 500 Mich 79, 85; 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. "Reasonable efforts to reunify the child and family must be made in all cases except those involving aggravated circumstances under MCL 712A.19a(2)." *In re Rippy*, 330 Mich App 350, 355; 948 NW2d 131 (2019). "While the DHS 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; 824 NW2d 569 (2012). "When challenging the services offered, a respondent must establish that he or she would have fared better if other services had been offered." *In re Sanborn*, 337 Mich App at 264.

"The mere fact of imprisonment" does not excuse petitioner "from making reasonable efforts toward reunification." *In re Dixon (On Reconsideration)*, 347 Mich App 337, 362; 14 NW3d 497 (2023). When a respondent is "not afforded a meaningful and adequate opportunity to participate" in the case-service plan due to his or her incarceration, termination of parental rights

[3] At the termination trial, respondent testified that she repeatedly asked her case worker for assistance with services, which the case worker refused. However, this does not amount to an objection on the record.

is "premature." *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). Further, when participation in the case-service plan is impossible due to incarceration, petitioner generally has an obligation to update the plan accordingly. See *id*. at 157-158.

We acknowledge that neither petitioner nor the county jail offered respondent any services or even visitation opportunities when she was incarcerated between about August 2023 and April 2024.[4] However, the record does indicate that the case worker met with respondent on a monthly basis while she was in jail to review her case-service plan and discuss her goals after release. Moreover, after release, the record indicates that petitioner attempted to assist respondent with various classes and programs to address the issues that led to adjudication, such as mental-health concerns, domestic violence, parenting skills, and housing. Further, petitioner acknowledged that because respondent was unable to receive services while incarcerated, it was essentially required to treat the reunification process as starting from the beginning upon her release. Thus, petitioner considered the fact of respondent's incarceration and attempted to develop a plan in light of the limitations placed upon them by her incarceration. See *id*.

While respondent argues that petitioner did not adequately help her address her housing situation, it appears that respondent received the assistance that petitioner was able to provide to individuals in her circumstances, as the case worker explained at the termination hearing:

> Unfortunately DHS cannot help with housing because we don't have – it's up to the parent to make sure that they can maintain housing. That they can pay the monthly bill. So we just direct them to, you know, Section 8, any other housing resource that we send them to. So Recovery Pathways does the same thing. She just has to fill out the same forms that she fills out with any other agency that helps with housing.

We are unable to identify any authority to suggest that petitioner must directly provide housing to satisfy its obligation to provide reasonable efforts for reunification, and the record suggests otherwise. Thus, respondent is not entitled to relief based on inadequate housing.

Finally, while respondent argues that allowing the child to move two hours away in October 2024 adversely affected the reunification process, we note that the amount of parenting time itself remained unchanged. The case worker testified that she personally drove the child two hours in each direction "for several weeks at a time" to satisfy respondent's one hour of parenting time per week. Presumably, the same occurred when her parenting time briefly was increased to three hours per week. As a result, on the record before us, the child's move did not affect the services that respondent received, including visitation opportunities.

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[4] The record suggests that the lack of services and visitation generally was the fault of the county jail, not petitioner itself. Indeed, according to the Shiawassee County Sheriff's Office website, one of the "Inmate Visitation Rules" is that "[i]n order to schedule a visit, the visitor must me be [sic] 18 years old." <https://sheriff.shiawassee.net/jail/>, accessed July 22, 2026.

For these reasons, we conclude that the trial court did not err by finding that petitioner made reasonable efforts for reunification.

III. EXPERT WITNESS

Respondent argues that the trial court erred by declining to sufficiently satisfy her request for funding of an expert witness on her behalf, thereby violating her due-process rights. Respondent acknowledges that while the trial court allowed her funds for an expert evaluation, she asserts that the court nonetheless erred because it did not specifically allow her funds for a "bonding assessment." We disagree.

"We review de novo questions of constitutional law, including whether a child protective proceeding complied with a respondent's right to due process." *In re Yarbrough Minors*, 314 Mich App 111, 121-122; 885 NW2d 878 (2016).

Child-protective proceedings must afford indigent parents procedures consistent with due process. See *Santosky v Kramer*, 455 US 745, 753; 102 S Ct 1388; 71 L Ed 2d 599 (1982). Thus, in such proceedings, respondents may be entitled to appointment of an expert at court expense. *In re Yarbrough*, 314 Mich App at 134. To decide whether appointment of an expert is warranted, courts should consider "the private and governmental interests at stake, the extent to which the procedures otherwise available to respondents served their interests, and the burden on the state of providing expert funding." *Id*., citing *Mathews v Eldridge*, 424 US 319, 335; 96 S Ct 893; 47 L Ed 2d 18 (1976). The first factor typically weighs in favor of appointment, as "[p]etitioner's interest in prevailing at a trial must yield to its interest in a fair proceeding that protects a parent's constitutional rights." *In re Yarbrough*, 314 Mich App at 135.

Dr. Simons testified that she performed a bonding assessment between respondent and the child, as well as a "Parent Assessment of Skills Survey." In contrast, Dr. Cunningham performed a parenting evaluation of respondent, which apparently was akin to the parenting assessment performed by Dr. Simons. Respondent asserts that the trial court should have allowed additional funds for Dr. Cunningham to perform a bonding assessment as well.

We cannot conclude that the trial court erred or that reversal is warranted. On May 23, 2025, the trial court entered a limited order allowing funds for only a psychological examination, presumably by Dr. Cunningham. A few days later, on May 28, 2025, respondent objected to that order and requested that the trial court approve "the reimbursement amount of $2,500-$3,000 dollars, to be paid so as to guarantee the Respondent the ability to secure her expert capacity to a Parent Evaluation with Dr. Julia J. Cunningham." The trial court granted that request the same day and, in the same order, provided that respondent may thereafter petition the court for additional funds "if Dr. Julia J. Cunningham determines that additional testing would be necessary for her to be able to render a professional opinion in response to Petitioner's experts' testing, evaluations and opinions . . . ." We are unable to locate any such subsequent petition or request for funds in the record.

Thus, the trial court fully granted respondent's request to fund an expert parenting evaluation and expressly left the door open for additional funding, which respondent did not seek. Under these circumstances, respondent waived any argument on appeal that the trial court

erroneously failed to fund an expert bonding assessment on her behalf. See *In re MJC*, 349 Mich App 42, 49; 27 NW3d 122 (2023) ("A party who waives a right is precluded from seeking appellate review based on a denial of that right because waiver eliminates any error.") (quotation marks and citation omitted). In other words, because the trial court granted respondent the order that she requested, no error occurred. See *id*.

IV. GROUNDS FOR TERMINATION

Respondent argues that the trial court erred by finding grounds for termination under MCL 712A.19b(3)(c)(*i*) and (j). Respondent asserts that the trial court failed to credit her completion of various programs and other services, as well as her employment after she was released from jail. 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 Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012). "Challenges to a court's finding that a statutory ground for termination has been established are reviewed for clear error." *In re Baham*, 331 Mich App 737, 751; 954 NW2d 529 (2020).

MCL 712A.19b(3) provides, in relevant part:

> The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:
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> * * *
>
> (c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days 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.
>
> * * *
>
> (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.

The trial court did not clearly err by finding that MCL 712A.19b(3)(c)(*i*) was proven by clear and convincing evidence. It is undisputed that the 182-day period was satisfied, even after respondent was released from jail in about April 2024. More importantly, the record shows that most of the conditions that led to the adjudication—housing, domestic violence, substance abuse, and parenting skills—continued to exist at the time of the termination trial and were unlikely to be

rectified within a reasonable time.[5] Respondent still lived with Redmond and, despite having two part-time jobs, indicated that she did not have a developed plan for leaving that situation in the near future.[6] Further, as everyone involved in this case recognized, the living situation with Redmond was untenable for returning the minor child, as there were numerous police visits for domestic disputes and two separate court cases against respondent for assault, each of which culminated in a jail term of about eight months. The most recent police visit to that home occurred in June 2025, near the beginning of the termination trial. Additionally, Dr. Simons testified that the bond between respondent and the child was poor, which suggests that respondent did not successfully learn from her parenting classes. Thus, parenting skills continued to be problematic at the time of the termination trial. For these reasons, the trial court did not clearly err by finding that MCL 712A.19b(3)(c)(*i*) was proven by clear and convincing evidence.[7]

V. BEST INTERESTS

Finally, respondent argues that the trial court erred by finding that termination of her parental rights was in the best interests of the child. She claims that any deterioration in the parent-child bond was the result of the fact that petitioner failed to facilitate visitation while she was in county jail, and the fact that petitioner allowed the child to move two hours away. We disagree.

"We review for clear error the trial court's determination regarding the children's best interests." *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014).

"The focus at the best-interest stage has always been on the child, not the parent." *In re Atchley*, 341 Mich App at 346 (quotation marks and citation omitted). "The trial court should

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[5] We agree with respondent that the trial court erred in its findings of fact when discussing substance abuse. Respondent tested negative for alcohol, her substance of choice, as well as other substances such as methamphetamine. However, the trial court faulted respondent for consistently testing positive for marijuana and indicated that these test results weighed in favor of termination of her parental rights, both with respect to MCL 712A.19b(3)(c)(*i*) and best interests. This was error, as respondent's marijuana use never was flagged as an issue during these proceedings. See MCL 333.27955(3) of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq*. ("A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated."). Nonetheless, given that the trial court's overall findings with respect to MCL 712A.19b(3)(c)(*i*) and best interests were not clearly erroneous, the error that occurred here was harmless. See MCR 2.613(A).

[6] Respondent did briefly testify at the end of the termination trial that she had plans to move into a friend's house in Genessee County, but no details were provided.

[7] Having so concluded, we need not address whether the trial court clearly erred by finding that MCL 712A.19b(3)(j) was proven by clear and convincing evidence as well. See *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000). Regardless, we agree with the trial court that given the seemingly regular domestic disputes and violence that occurred between Redmond and respondent, there is a reasonable likelihood that the child would be harmed if returned to that home. See *In re Gonzalez/Martinez Minors*, 310 Mich App 426, 433; 871 NW2d 868 (2015).

weigh all the evidence available to determine the children's best interests." *In re White*, 303 Mich App at 713.

> To determine whether termination of parental rights is in a child's best interests, the court should consider a wide variety of factors that may include 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. The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption. [*Id*. at 713-714 (quotation marks and citations omitted).]

We note that to the extent that the parent-child bond deteriorated because of respondent's incarceration and the fact that the child moved two hours away in October 2024, our primary focus here is on the best interests of the child regardless of these extraneous circumstances. See *In re Atchley*, 341 Mich App at 346.[8] The record supports the trial court's finding that the best interests of the child will be served by terminating respondent's parental rights. With regard to respondent's living situation at the time of the termination trial, Dr. Simons explained that respondent was "[s]taying with a mentally ill and substance abusing boyfriend." This is the same boyfriend, Redmond, with whom respondent had an extended history of domestic disputes and violence. Certainly, this is an inappropriate home for the child, particularly when compared with his foster home, about which a case worker testified that the child was "thriving" and "doing really well." Further, the foster parent expressed an interest in adopting the child as well. Moreover, expert testimony indicated that the bond between respondent and the child had, unfortunately, weakened beyond repair by the end of these proceedings.

Respondent has shown some progress throughout this case by, for example, completing some recommended classes and not testing positive for alcohol. In the end, however, because our focus is on the best interests of the child, see *id*., we conclude that the trial court did not clearly err by finding that termination of respondent's parental rights was in the child's best interests.

VI. CONCLUSION

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

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

[8] We again note that respondent's lack of visitation while incarcerated apparently was the fault of the county jail, and that the case worker personally facilitated weekly visits between respondent and the child by driving the four-hour round trip with the child.