If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
November 18, 2026
8:55 AM

In re C. WILSON, Minor.

No. 379912
Muskegon Circuit Court
Family Division
LC No. 23-005052-NA

Before: O'BRIEN, P.J., and CAMERON and MALDONADO, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child, CW, under MCL 712A.19b(3)(c)(*i*) (failure to rectify conditions that led to adjudication), MCL 712A.19b(3)(g) (failure to provide proper care and custody when financially able to do so), and MCL 712A.19b(3)(j) (reasonable likelihood of harm). We affirm.

I. RELEVANT FACTS AND PROCEEDINGS

In May 2023, Children's Protective Services (CPS) received allegations that CW had witnessed a physical altercation between respondent and CW's legal father.[1] During the investigation that followed, respondent and the father admitted that CW had witnessed several assaults by respondent against the father and that, on one occasion, respondent became upset and bit CW. After CPS became involved, numerous other acts of aggression occurred in June, August, and September. In early October, respondent called a CPS supervisor and left a vulgar, threatening voice mail. A few days later, respondent became angry with the father for not answering his phone and asked police to perform a welfare check on CW. On the same day, respondent went to the father's home when he and CW were out and turned off a security system, which father had installed because of respondent's behavior. Following a team meeting held three days later, respondent left another vulgar, threatening voice mail for CPS. The next day, the Department filed a petition asking the trial court to remove CW from respondent's care, place her with the father, authorize supervised parenting time, and prohibit respondent from going onto the father's property.

[1] The father was not a respondent in the child protective proceeding.

The trial court ordered CW to be taken into protective custody and scheduled a preliminary hearing for the next day. Ultimately, the trial court authorized the petition, placed CW in the father's care under the Department's supervision, appointed a lawyer-guardian ad litem (LGAL) for CW, and allowed respondent parenting time, supervised or unsupervised at the Department's discretion.

In November 2023, respondent pleaded to an amended petition, admitting past domestic violence between her and the father in CW's presence; that respondent struggled with her mental health and anger management, which sometimes affected her ability to parent CW; that she was unemployed and found it financially difficult to provide the necessary care to CW; and that she could benefit from services to improve her parenting skills, maintain healthy relationships, and help her emotional and mental stability. At the initial disposition, the Department recommended services to address these issues, including a psychological evaluation, anger-management classes, individual counseling, and parenting classes. The Department also recommended that respondent obtain and maintain employment. The Department noted that respondent was already attending individual counseling, that in-home family services had already begun and respondent was "very compliant and engaged," and that she had just started a full-time job. Respondent began unsupervised parenting time in November and overnight parenting time in January, all without incident.

However, on April 18, 2024, respondent became upset during a discussion of CW's counseling, threw her purse and phone at the caseworker, and tried to climb across the table to attack the caseworker. Respondent was arrested and initially charged with felony assault, but the charge was later amended to a one-year misdemeanor attempted assault. Respondent pleaded to the misdemeanor and was sentenced to probation and ordered to pay a $600 fine. The Department had already issued respondent a "zero-tolerance" letter because of other threatening behavior toward her caseworker. Thus, after the attempted assault, the Department suspended respondent's parenting time and determined that there was no reasonable service or supervision that it could put in place to ensure the safety of CW during parenting time. Respondent agreed to the temporary suspension of her parenting time, explaining that she was "triggered," "lost her temper," and "overreacted." Approximately two months later, the trial court ordered that respondent have telephone parenting time at the Department's request.

Respondent's progress was minimal over the next two years. CPS caseworker Kimberly Lewis testified at the termination hearing that respondent worked with an in-home domestic-violence program through Catholic Charities from June 2023 to July 14, 2023, when respondent "dropped out" of the program. Respondent did not complete any domestic-violence services thereafter, and domestic violence was not included in respondent's counseling. As to counseling, respondent had five different mental-health counselors during the pendency of the case. She appeared open and engaged during sessions, but she discontinued counseling whenever she wanted to, sometimes after only a few appointments. Some of her counselors testified at the termination hearing that respondent made some progress toward her therapeutic goals, but none testified that she had made appreciable progress. Respondent had five jobs during the pendency of the case, including some seasonal work, but she was unemployed at the time of the termination hearing, and there was no evidence that respondent could support CW financially without employment. As to parenting skills, respondent completed a Nurturing Parenting class and an online parenting class, she attended an in-home family services program for 10 of 12 weeks, and she exercised her telephonic parenting time. Despite the services provided, respondent continued to have angry

outbursts and to act impulsively, particularly with respect to going to CW's home and school in violation of the trial court's orders and without regard to CW's emotional well-being.

CW's counselor since June 2023, Nicole Brummel, testified at the termination hearing that the father sought counseling for CW because she was feeling stressed by the fighting between respondent and the father and sometimes displayed emotional dysregulation through angry outbursts and lashing out. Brummel diagnosed CW with "unspecified trauma disorder," which meant that CW was traumatized, but not to the degree required for a diagnosis of post-traumatic stress disorder. Brummel's testimony indicated that CW was deeply affected by respondent's angry behavior. She talked to Brummel about nightmares and fears that were attributable to respondent's yelling, about running and hiding from scary things, about her concerns for her father, and her fears about what might happen if respondent became too angry. CW did not want respondent to be part of her therapy sessions.

The trial court repeatedly ordered respondent not to go to CW's home or school because these were the child's "safe" places. However, respondent continued to violate these orders, causing the trial court to opine that respondent had no respect for the court system, the father, or CW, and that her pattern of behavior was to do what she wanted to do when she wanted to do it. For example, the Department reported that CW sent respondent a photograph of the family at a campground and respondent then went to the campground and "caused a scene" because she did not like that CW's grandparents were there. CW hid in (or behind) a boat so that respondent would not see her, and she told the caseworker that she was afraid of respondent. On another occasion, respondent showed up unannounced at the father's house more than a year after she had moved out to purportedly "get her things," and was "trespassed from" the property. Nevertheless, respondent then showed up and was trespassed again. Even after being barred from the property, she showed up at CW's home, banging on the doors and trying to yell through the windows at CW while CW hid in her room. During a parenting-time phone call at about the same time, respondent yelled and swore at CW and told her that she was not supposed to tell the LGAL about things that happened. CW's counselor testified that CW went back and forth on wanting to see respondent. She ultimately indicated that she wanted to see respondent, but only as long as respondent was not angry.

Efforts were made to move respondent toward supervised parenting time. At a dispositional review/permanency-planning hearing in September 2024, the LGAL suggested in-person parenting time in a therapeutic setting. The trial court instructed caseworker Lewis to contact CW's counselor to see if she might be willing to supervise parenting time. If not, then the caseworker was to explore other options for supervised parenting time. The court adjourned the matter for 30 days and challenged respondent to continue counseling and other services and not to contact or go to CW's school, initiate contact with CW's counselor, or go anywhere near CW during that period. The court framed this as a "test" to see if supervised parenting time could go forward. Respondent did not pass the test. When the hearing resumed, the Department reported that in response to the Kent County Friend of the Court recommending that the father be given sole physical and legal custody and respondent supervised parenting time, respondent harassed CW's counselor, demanding to know why the counselor told the Friend of the Court that CW was afraid of her. When respondent was asked to stop her angry and aggressive phone calls and e-mails, she responded by threatening to report the counselor and press charges against her and by trying to discontinue CW's counseling services.

A few months later, the LGAL suggested that the trial court order the Department to supervise parenting time in accordance with the Kent Circuit Court's interim custody order. Although concerned about adding more parenting time when it was clear that respondent did not follow the trial court's orders, the LGAL recommended that the Department's caseworker supervise parenting time before handing off supervision to a third party who was not familiar with the case. However, during a discussion with the trial court, respondent indicated that it did not matter what the Muskegon Circuit Court wanted because the custody order would be the governing order. The LGAL then withdrew her suggestion for parenting time, concerned that respondent would rely on the custody order to further ignore the orders of the court in the child protective proceeding. In any event, the Department reported that CW's counselor had declined to facilitate family sessions with CW and respondent because the counselor wanted to keep CW's sessions a safe place for the child.

In May 2025, the Department recommended adding supervised parenting time that accorded with the Kent Circuit Court's custody order, which allowed YWCA supervision of parenting time through the Safe Connections Program. Observing that it could not keep the case open indefinitely and that it needed either to close the case or pursue termination, the Department recommended closing the case because it did not believe that terminating respondent's parental rights was in CW's best interests. Respondent's attorney agreed that the case should be closed. Counsel argued that the custody order provided protections for CW and that there was no credible expectation that respondent's attempts to change the custody order would be successful. However, the LGAL advocated for termination. The trial court expressed concern about the harm that would befall CW if the court closed the child protective proceeding case. The court viewed its options as abandoning CW or having the Department petition to terminate respondent's parental rights. The court believed that respondent's repeated violations of the court's orders left the court with no choice but to change the permanency-planning goal and order the Department to file a termination petition. After the Department moved unsuccessfully to rescind the order to file a termination petition, and its efforts to arrange an evaluation to assist in determining CW's best interests failed, the Department filed a supplemental petition seeking the termination of respondent's parental rights under MCL 712A.19b(3)(c)(*i*), (3)(c)(*ii*), (3)(g), and (3)(j).

Following a termination hearing, the trial court found that clear and convincing evidence established the grounds for termination under MCL 712A.19b(3)(c)(*i*), (3)(g), and (3)(j). The court also found by a preponderance of the evidence that termination was in CW's best interests. The court found that returning CW to respondent in any capacity was contrary to the child's best interests because respondent did not comply with her service plan and made clear that she would not comply with the court's orders. The trial court concluded that the parent-child relationship favored termination because, although a bond existed, it was "not a strong bond." Further, CW's need for permanency, stability, and finality also favored termination because respondent would keep moving to change the order and harass the father until she got what she wanted, and this constant action would harm CW. The court found that the length of time that the case had been open and respondent's lack of improvement in her parenting ability also favored termination. Although the trial court acknowledged that relative placement weighed in favor of termination, it found that relative placement did not preclude termination in this case because of the domestic violence against the father and the potential harm to CW if respondent's rights were not termination. The court found that there were advantages to CW staying in the father's home, as he was employed and provided an appropriate home for the child. The trial court determined that

respondent's history of domestic violence toward the father also favored termination, noting that the case began because of domestic violence and that respondent had continued to perpetrate acts of domestic violence throughout the case. Accordingly, the trial court entered an order terminating respondent's parental rights and closing the case. This appeal followed.

II. ANALYSIS

A. SUPPLEMENTAL PETITION

Respondent argues that the trial court abused its discretion and violated her due-process rights when it ordered the Department to file a supplemental petition over the Department's objection. We disagree.

Respondent failed to preserve these issues by raising them in the trial court. See *In re Utrera*, 281 Mich App 1, 8-9; 761 NW2d 253 (2008). Therefore, our review is for plain error affecting substantial rights. *In re MJC*, 349 Mich App 42, 47; 27 NW3d 122 (2023). "To avoid forfeiture under the plain-error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights." *Id*. at 48 (quotation marks and citation omitted). "Generally, an error affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings." *Utrera*, 281 Mich App at 9. "The party asserting plain error bears the burden of persuasion with respect to prejudice." *MJC*, 349 Mich App at 48.

MCL 712A.19a(8) governs when a trial court may order the initiation of termination proceedings. Relevant to the instant appeal, section 19a(8) provides that if a court "determines at a permanency-planning hearing that a child should not be returned to his or her parent, the court may order the agency to initiate proceedings to terminate parental rights." A trial court is not required to order the initiation of termination proceedings under certain circumstances, one of which is when "[t]he child is being cared for by relatives." MCL 712A.19a(8)(a). However, MCL 712A.19a(8) gives the trial court discretion and does not require agreement by the Department.

The trial court impliedly found that respondent's repeated efforts to contact CW in blatant disregard of the trial court's orders and at the expense of CW's emotional well-being compelled the court to conclude that CW could not be returned to respondent's care. Considering this finding, MCL 712A.19a(8) permitted the trial court to order the Department to initiate termination proceedings. The court could have exercised its discretion differently because CW was placed with her father and a custody dispute was ongoing. See MCL 712A.19a(8)(a). However, the court rejected this option, believing that CW would still be at risk of harm if matters proceeded under the custody case because respondent was no more likely to comply with the custody order than she had been with the court's orders in the child protective proceeding. Adoption was never at issue, see MCL 712A.19a(8)(b)(*i*), and respondent's failure to benefit from her case service plan indicated that statutory grounds existed to file the petition, see MCL 712A.19a(8)(b)(*ii*).

Considering the information available to the court at the time, the court's decision to order the Department to file a termination petition was an appropriate use of the trial court's discretion and fell within the statutory framework provided by MCL 712A.19a(8), despite the Department's

opposition. Therefore, respondent has not established that the trial court abused its discretion by ordering the Department to file a termination petition.

Respondent next argues that ordering the Department to file a termination petition violated her due-process rights. We disagree.

"[P]arents have a significant interest in the companionship, care, custody, and management of their children." *In re Brock*, 442 Mich 101, 109; 499 NW2d 752 (1993). "This interest has been characterized as an element of 'liberty' entitled to due-process protections." *In re Lovitt*, 351 Mich App 237, 244; 34 NW3d 645 (2024). No person may be deprived of life, liberty, or property without due process of law. US Const, Ams V and XIV; Const 1963, art 1, § 17; *Elba Twp v Gratiot Co Drain Comm'r*, 493 Mich 265, 288; 831 NW2d 204 (2013). However, "[d]ue process is flexible and calls for such procedural protections as the particular situation demands." *Mathews v Eldridge*, 424 US 319, 332, 334; 96 S Ct 893; 47 L Ed 2d 18 (1976) (quotation marks and citation omitted). Courts generally consider three factors to determine what is required by due process:

> First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. [*Id*. at 335. See also *Brock*, 442 Mich at 111 (applying the *Eldridge* factors in a termination-of-parental-rights case).]

Respondent contends that consideration of the *Eldridge* factors shows that her interest in the care and custody of CW was affected by the trial court's insistence that the Department file a termination petition, and that this insistence both heightened and assured the erroneous deprivation of respondent's protected liberty interest.

Assuming for the sake of argument that the trial court's order to file a termination petition affected respondent's private interest in the care, custody, and management of CW, her argument fails to establish that the procedural protections employed in termination cases are inadequate to prevent the erroneous deprivation of parental rights. These procedural protections included the right to appointed counsel at public expense, see *In re Williams*, 286 Mich App 253, 275-276; 779 NW2d 286 (2009); adequate notice, see *In re Dearmon*, 303 Mich App 684, 693-694; 847 NW2d 514 (2014); and an adjudicative hearing at which respondent could have presented evidence, see *In re Sanders*, 495 Mich 394, 415-418; 852 NW2d 524 (2014). Respondent has not argued that these protections were not available to her or that they were inadequate.

Additional protections against the erroneous deprivation of parental rights applied at the termination hearing. Specifically, the "heightened standard of proof of clear and convincing evidence" is an "error-reducing" procedure used at the statutory-grounds stage to prevent erroneous deprivation of the natural parent-child relationship. *In re Moss*, 301 Mich App 76, 87; 836 NW2d 182 (2013). See also *Santosky v Kramer*, 455 US 745, 768; 102 S Ct 1388, 71 L Ed2d 599 (1982). A parent's interest in the parent-child relationship continues to exist in a lessened form after statutory grounds have been proven. Accordingly, whether termination is in a child's best

interests must be proven by a preponderance of the evidence. *In re Moss*, 301 Mich App at 90. All these procedural protections worked together to safeguard against the erroneous deprivation of respondent's fundamental right to a parental relationship with CW. Respondent has not argued—nor does the record suggest—that any of these protections were lacking or inadequate. Therefore, respondent has not established that the trial court's order to the Department to file a termination petition affected her substantial rights or violated her right to due process.

B. REASONABLE EFFORTS

Respondent also contends that the trial court erred by finding that the Department made reasonable reunification efforts when the Department did not arrange for respondent to have parenting time supervised by someone other than the Department. We disagree.

We review for clear error a trial court's decision regarding reasonable reunification efforts. See *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," we are left with a "definite and firm conviction" that a mistake was made. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010) (quotation marks and citation omitted). To be clearly erroneous, a decision must be "more than maybe or probably wrong." *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999) (quotation marks and citation omitted).

Generally, 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), citing MCL 712A.18f(3)(b) and (c), and MCL 712A.19a(2). Respondent contends that the Department's reunification efforts were not reasonable because the Department did not arrange for respondent to have in-person parenting time.

MCL 712A.13a(13) provides that if a child is removed from the parent's custody, then the trial court must permit the parent at least weekly parenting time. This requirement, however, is not absolute. The Department may provide less parenting time if the "court either determines that exigent circumstances require less frequent parenting time or that parenting time, even if supervised, may be harmful to the [child's] life, physical health, or mental well-being." MCL 712A.13a(13). Should the court make this determination, then the court "may suspend parenting time until the risk of harm no longer exists." MCL 712A.13a(13).

In the present case, the trial court suspended respondent's parenting time for approximately two months after her assault on the Department's caseworker. At the Department's request, the trial court reinstated parenting time, allowing respondent supervised phone calls with CW. That respondent's parenting time never progressed beyond phone calls was due in large part to respondent's conduct. When the trial court reinstated parenting time, it ordered the prosecutor to work with the Department to address in-person parenting time. At the same time, the trial court expressed concern that giving respondent in-person parenting time before she addressed her mental-health and anger-management issues would put "all sorts of people at risk." Given respondent's assault on its employee, it seems reasonable that, not only would the Department be opposed to putting its employees at risk, but it would also oppose putting others at risk of respondent's anger and impulsiveness.

For most of the case, respondent acted angrily and impulsively, repeatedly violating the trial court's orders by going unannounced to CW's home and school. Nevertheless, the record shows that the LGAL, the Department, and the trial court tried to move toward supervised parenting time. The LGAL broached the possibility of therapeutic parenting time in September 2024. The Department made inquiries and reported back in October that CW's counselor declined to facilitate therapeutic parenting time because CW had earlier objected to respondent joining her counseling sessions and the counselor wanted to keep CW's sessions a safe place for the child. The trial court then proposed a 30-day test to move parenting time forward. If respondent continued going to therapy and stayed away from CW's home and school for 30 days, then the trial court would give the Department the discretion to facilitate supervised parenting time if that was what the Kent Circuit Court ordered in the parties' custody case. Respondent failed the test.

As the Department points out, respondent's argument ignores the totality of the Department's reunification efforts and focuses on one service that could not be expanded because of respondent's own behavior. The record shows that the Department referred respondent to HealthWest for mental-health services, to Catholic Charities for domestic-violence and parenting-skills services, and to Services of Hope for anger-management classes.

It is unfortunate that respondent did not have in-person parenting time for nearly two years. However, the Department provided services to address respondent's mental-health and anger-management barriers to reunification, and the trial court put the parenting-time remedy in respondent's hands by stating that it would give the Department the discretion to allow parenting time supervised in accordance with the Kent Circuit Court custody order if respondent could go 30-days without incident—she could not. Given evidence of respondent's intermittent explosive anger, her failure to sufficiently benefit from mental-health and anger-management services, and her repeated disregard of the trial court's orders, we are not left with a "definite and firm conviction" that the trial court clearly erred when it found that the Department's reunification efforts were reasonable under the particular circumstances of this case. See *Mason*, 486 Mich at 152.

C. STATUTORY GROUNDS

Respondent contends that the trial court clearly erred by finding that clear and convincing evidence established statutory grounds to terminate her parental rights. We disagree.

We review for clear error a trial court's decision that a ground for termination has been proven by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-359; 612 NW2d 407 (2000), superseded by statute as observed in *In re Moss*, 301 Mich App at 83. See also MCR 3.977(K). "Further, regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011). "Appellate courts are obliged to defer to a trial court's factual findings at termination proceedings if those findings do not constitute clear error." *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009). "If the trial court did not clearly err by finding one statutory ground existed, then that one ground is sufficient to affirm the termination of the respondent's parental rights." *In re Sanborn*, 337 Mich App 252, 273; 976 NW2d 44 (2021).

The trial court found that clear and convincing evidence established grounds for termination of respondent's parental rights under MCL 712A.19b(3)(c)(*i*), (3)(g), and (3)(j). MCL 712A.19b(3)(c)(*i*) supports termination when "182 or more days have elapsed since the issuance of an initial dispositional order" and the trial court finds by clear and convincing evidence that "[t]he 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."

There was no dispute that more than 182 days elapsed since the initial disposition order that was issued in December 2023 and termination in January 2026. The conditions that led to respondent's adjudication were issues with mental health and anger management that affected her ability to parent, past domestic violence in CW's presence, current unemployment that made it difficult to provide financially for CW, and parenting skills. To address these issues, the case service plan required respondent to undergo a psychological evaluation and follow its recommendation to engage in individual counseling, to complete an anger-management program, and to engage in parenting education.

Clear and convincing record evidence supports the trial court's finding that respondent's issues of mental health and anger management continued to exist at the time of the termination trial. The record shows that respondent saw multiple counselors, some for only a handful of sessions; went months without any counseling; and she did not sufficiently benefit from the counseling sessions that she did attend. Respondent continued to display no insight into her behavior or into CW's emotional well-being. She insisted that CW was not afraid of her, despite the child's contrary disclosures to her counselor, and she failed to understand the effect that her words and actions had on CW. In fact, respondent dismissed CW's fear of her yelling and anger by insisting that someone was "putting things in [CW's] head." Although respondent's counselors testified that she made some progress, none indicated that respondent had achieved her therapy goals, and her mental-health counselor at the time of the termination hearing, Valerie Petre, suggested that it might take respondent six months of weekly counseling to clearly show progress.

Respondent contends that termination based on mental-health issues was clearly erroneous because there is no record evidence of a formal mental-health diagnosis and no showing that the "alleged mental health issue impacted [respondent's] ability to care for [CW]." This argument is unavailing. Respondent admitted at the adjudication that her mental health affected her parenting. She received mental-health services in the form of a psychological evaluation and counseling referrals. Respondent's participation in counseling was inconsistent and did not show sufficient benefit to resolve the effect of her mental health on her parenting. Under these circumstances, the trial court did not clearly err by finding that the mental-health conditions that led to respondent's adjudication continued to exist at the time of the termination hearing.

The record also shows that respondent did not resolve her employment issue. Respondent was unemployed at the time of her adjudication and admitted that she lacked the financial resources to care for CW. Respondent had several jobs during the proceeding, none for very long, and she was unemployed at the time of the termination hearing. Caseworker Lewis testified that respondent was having difficulty finding a job because of her criminal history, and that she lacked the resources to support CW without employment. Accordingly, respondent was in the same position

at the termination hearing as she was at the adjudication: she was unemployed and lacked the financial resources to care for CW.

There is no dispute that respondent did not complete a domestic-violence course, nor were domestic-violence issues included in her general counseling. Respondent implies that any issue with domestic violence was resolved because there was no record evidence that respondent perpetrated domestic violence against CW during the pendency of the case. However, respondent did not adequately address her mental-health and anger-management issues, attended only two sessions of a domestic-violence program, and demonstrated no appreciation of CW's concerns or any insight into how witnessing past domestic violence affected CW. Given that respondent pleaded to the domestic-violence issue and the lack of evidence in the record that demonstrated that respondent addressed this issue, there is no reason to doubt that this issue continued to exist at the time of the termination hearing.

As to parenting skills, respondent pleaded that she "could benefit from services to improve her parenting-skills," but it is not clear what parenting skills issues existed at the time of adjudication. If parenting skills include acknowledging a child's fears and understanding the parent-child dynamic, then the record demonstrates that respondent did not exhibit these skills. As already indicated, respondent denied that CW was sometimes afraid of her and fearful for her father because of respondent's anger and did not recognize that her behavior negatively impacted CW. Moreover, respondent's behavior in ignoring court orders to go to CW's home and school in total disregard for how this impacted CW demonstrated a lack of appreciation of CW's needs.

Although respondent complied partially with her case service plan and counselors testified that she made some improvement toward her therapy goals, the record evidence is clear and convincing that the conditions existing at the initial disposition continued to exist at the termination hearing, especially those pertaining to mental health, anger management, and domestic violence.

Further, there is no reasonable likelihood that these conditions "will be rectified within a reasonable time consider[ing] [CW's] age." MCL 712A.19b(3)(c)(*i*). Petre testified that respondent would need to attend weekly counseling for at least six months before clear progress would be noted. And even this depended on respondent's consistency, commitment, and application of the skills learned to her daily life. However, respondent denied that she had a mental-health issue, testified that whether she attended counseling should be up to her, and was ambivalent about continuing counseling with Petre. Given respondent's denial of the condition to which she pleaded at the adjudication and her lack of clear commitment to addressing the condition, there is no reason to believe that respondent would take steps to resolve the conditions that led to adjudication within a reasonable time.

We conclude that respondent has not established that the trial court clearly erred by finding that clear and convincing evidence established statutory grounds to terminate respondent's parental rights under MCL 712A.19b(3)(c)(*i*). Accordingly, because "the trial court did not clearly err by finding one statutory ground existed, then [this] one ground is sufficient to affirm the termination of the respondent's parental rights." *In re Sanborn*, 337 Mich App at 273.

D. BEST INTERESTS

Respondent lastly contends that the trial court's best-interest findings were clearly erroneous. We disagree.

We review "a trial court's determination regarding best interests for clear error." *In re Keillor*, 325 Mich App 80, 93; 923 NW2d 617 (2018). If the trial court finds "that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5). The trial court must find by a preponderance of the evidence that termination of parental rights is in a child's best interests. *In re Moss*, 301 Mich App at 90.

In making its best-interest determination, a 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 Gonzales/Martinez*, 310 Mich App 426, 434; 871 NW2d 868 (2015) (quotation marks and citation omitted). The court may also consider "the parent's compliance with treatment plans, the child's well-being in care, and the possibility of adoption." *In re Sanborn*, 337 Mich App at 277. "The trial court should weigh all the evidence available to determine the child's best interests." *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). Further, a child's placement with relatives is a factor that the trial court must consider when making its best-interest determination and a " 'child's placement with relatives weighs against termination.' " *In re Mota*, 334 Mich App 300, 321; 964 NW2d 881 (2020), quoting *In re Mason*, 486 Mich at 164. "Relative" as defined by MCL 712A.13a(1)(j) includes a biological parent. *In re Boshell/Shelton*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 371973); slip op at 10.

Respondent implies that the trial court's reasoning with respect to whether CW could be returned to respondent was faulty because CW could not be returned to her under the terms of the custody order. Respondent's implication ignores the central point of the trial court's analysis under this factor, which is that returning CW to respondent in any capacity was contrary to the child's best interests because respondent did not comply with her service plan and made clear that she would not comply with the court's orders.

Respondent argues that the weakness of the parent-child bond is due to the lack of in-person parenting time for nearly two years. Although it is certainly likely that the lack of in-person parenting time affected the strength of the parent-child bond, record evidence shows that respondent's behavior before and after this period significantly impacted the bond as well. CW's counselor testified that CW was fearful of respondent and would hide if respondent tried to see her. Although CW went back and forth on wanting to see respondent, she ultimately decided that she would like to see respondent as long as respondent was not angry, as seeing respondent angry was scary for CW. CW's father testified that CW liked talking to respondent on the phone, but he said that respondent would make CW uncomfortable by asking questions that she did not want to answer for fear that respondent would misuse the answers. Whereas CW's father was a "safe person" for CW, CW could never be sure that information she conveyed to respondent would not be used inappropriately. In short, there was ample evidence that it was not simply the lack of in-person parenting time that impacted CW's bond with respondent.

As to permanency, stability, and finality, respondent assumes that CW's best interests would be served by maintaining a relationship with respondent that was governed by the custody order. However, it is clear from the trial court's best-interest analysis that the court did not view CW's placement with her father under the terms of the custody order as sufficient to protect the child's best interests because (1) respondent would keep moving to change the order until she got what she wanted, or (2) respondent would "harass" CW's father until she got what she wanted, and (3) this constant action by respondent would harm CW.

That respondent could obtain a change in custody or parenting time through repeated filings is unlikely considering the procedural protections in the Child Custody Act, MCL 722.21 *et seq*., which "erect a barrier against removal of a child from an established custodial environment and . . . minimize unwarranted and disruptive changes of custody orders." *Vodvarka v Grasmeyer*, 259 Mich App 499, 509; 675 NW2d 847 (2003) (quotation marks and citation omitted). See MCL 722.27(1)(c). The efficacy of these procedural protections was illustrated in a Kent County referee's decision not to consider respondent's motion to change parenting time because respondent had not shown proper cause or changed circumstances.

However, as noted above, the trial court's written opinion suggests that it believed that any contact between CW and respondent was not in CW's best interests. The trial court noted that respondent (1) tried to choke CW's father, (2) reported at one point that she was so angry with CW's father that she could kill him (as well as others), and (3) repeatedly harassed CW's father by going to his home in violation of the trial court's orders. By contrast, it was clear from the record that CW's father was inclined to suffer respondent's behavior in order to keep the peace. At one point, the CPS caseworker and her supervisor had to advise respondent that filing police reports when respondent came to the father's house in violation of the court's orders was part of the father's responsibility to keep CW safe. In light of respondent's domestic violence against, and ongoing harassment of, CW's father and his inclination to overlook respondent's behavior in order to keep the peace, the court reasonably believed that termination of respondent's parental rights was the only true means of protecting CW. Therefore, CW's need for permanency, stability, and finality weighed in favor of termination.

Regarding the trial court's finding that respondent had made little progress despite the length of time the case had been open, respondent argues that she did, in fact, make progress and that this was supported by the fact that a termination petition had not been filed sooner. It is true that respondent made some progress, especially early in the case. Respondent had unsupervised parenting time in late 2023 and overnight parenting time in January 2024. However, as already noted, respondent's attempted assault on the caseworker in April 2024 changed the trajectory of the case and respondent did not sustain her progress. Respondent's attorney also made the following statement about respondent after the case had been open for nearly two years: "[S]he does make some progress, and then she takes a couple steps back, she makes some progress, she takes some steps back." Despite respondent's early progress, clear and convincing evidence established that nearly two years after the initial disposition, "[t]he conditions that led to the adjudication continue[d] to exist and there [was] no reasonable likelihood that the conditions [would] be rectified within a reasonable time considering the child's age." MCL 712A.19b(3)(c)(*i*). Accordingly, the length of time the case had been open and respondent's lack of progress in that time weighed in favor of termination.

Regarding relative placement, viewing the court's written opinion as a whole leaves no doubt that the court considered CW's placement with her father and found that termination of respondent's parental rights was still in CW's best interests. See *In re Atchley*, 341 Mich App at 347 (holding that placement with a relative is not dispositive and a trial court may terminate parental rights if it is in the child's best interests). The trial court expressly acknowledged CW's relative placement but concluded that this did not preclude termination because of respondent's history of domestic violence toward CW's father and CW, as well as her violation of court orders. Thus, the trial court found that termination of parental rights was in CW's best interests to ensure her safety. We find no clear error in the trial court's analysis. Moreover, respondent does not argue that the court failed to adequately consider CW's placement with a relative. Rather she contends that the court's observations that the father was employed and had an appropriate home did not preclude structured visitation under the supervision of the custodial court. That may be true. But the focus of the best-interest analysis is on the child. See *id*. at 346. Therefore, the question is whether "structured visitation under the supervision of the custodial court" was in CW's best interests, and the trial court determined that it was not.

As to the trial court's determination that domestic violence favored termination, respondent contends that there is no indication that she would harm CW again and that respondent's issues are with adults, not CW. This contention refers to physical harm only and fails to consider the effects of respondent's behavior on CW's emotional well-being. As discussed, CW's counselor's testimony at the termination hearing established that CW was deeply and negatively affected by respondent's aggressive outbursts, having nightmares, running and hiding from scary things, and being fearful of what might happen if respondent became too angry. Further, respondent did little if anything to address her issues with domestic violence and how her behavior affected CW. Accordingly, the trial court's finding that the history of domestic violence weighed in favor of termination was not clearly erroneous given the emotional harm to CW.

As already indicated, the trial court considered the caseworker's opinion that termination was not in CW's best interests because CW might change her mind when she is older and want to see respondent. Although the court may have mischaracterized the Department's position in its written opinion, the court was clearly aware of the position and rejected it. It is true that the trial court did not acknowledge this testimony in its summary of the Department's position. However, the court nonetheless indicated in several places in its written opinion that a preponderance of the evidence supported finding that termination was in CW's best interests, notwithstanding the custody order.

In sum, a preponderance of the evidence supports the trial court's findings with respect to the best-interest factors considered, and the court was aware of and considered whether CW's living with CW's father weighed against termination considering the custody order. On this record, we are not left with a "definite and firm conviction" that a mistake was made. See *In re Mason*, 486 Mich at 152 (quotation marks and citation omitted).

Affirmed.

/s/ Colleen A. O'Brien
/s/ Thomas C. Cameron
/s/ Allie Greenleaf Maldonado