

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of B.D.S., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TIMOTHY ROBERT PIECZYNSKI,

Respondent-Appellant.

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UNPUBLISHED

January 29, 2002

No. 233917

Macomb Circuit Court

Family Division

LC No. 00-047614-NA

Before: Fitzgerald, P.J., and Bandstra and K.F. Kelly, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm.

Although respondent-appellant contends that the trial court erred in terminating his parental rights, he does not direct his arguments at the statutory criteria for the various statutory grounds under which his parental rights were terminated. Rather, he contends that termination was improper because petitioner failed to make reasonable efforts to reunite him with his child. We disagree.

MCL 712A.18f(4) requires that petitioner make "reasonable efforts" at reunification. See also *In re Terry*, 240 Mich App 14, 26; 610 NW2d 242 (2000). The issue whether petitioner made such efforts entails review of the trial court's findings of fact. This Court reviews the trial court's factual findings for clear error. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding is clearly erroneous if, although evidence exists to support the finding, the reviewing court on the entire record is left with the definite and firm conviction that a mistake was made. *Id.* We find that, on the facts of this case, there is insufficient evidence of a significant failure to provide respondent with aid intended to help reunite him with his daughter, so as to justify reversing the trial court's decision to terminate respondent's parental rights as clearly erroneous.

It is undisputed that petitioner formulated an agreement regarding the steps that respondent would need to take to prevent termination of his parental rights. It is further undisputed that the substance of this agreement, as well as respondent's responsibilities under

that plan, were specifically discussed with respondent as far back as December 1999. At that time, respondent was informed that he was required to maintain monthly contact with his child's case worker, and keep her informed of any progress made by him toward completing his obligations under the agreement. However, testimony offered by petitioner at trial indicated that despite numerous letters from the caseworker, respondent did not contact petitioner again until shortly before trial of this matter in January 2001. Given such a failure to cooperate with petitioner, respondent's claim that petitioner's efforts in this matter were not reasonable is disingenuous.

We further reject respondent's claim that, despite his failure to inform petitioner of his progress toward meeting his obligations under the agreement, his "substantial compliance" with the agreement renders the trial court's decision to terminate his parental rights clearly erroneous. While respondent's efforts in successfully completing during his incarceration courses in stress management and successful parenting are commendable, such efforts were insufficient to warrant any further delay in providing the minor child permanent placement in a stable environment. Contrary to respondent's assertion, the child's temporary placement with his wife was investigated by petitioner and properly determined not to be a suitable alternative in light of the history of domestic violence between respondent and his wife. Moreover, the evidence adduced at trial indicated that despite his knowledge that the child had been removed from the natural mother's home and placed in petitioner's care since April 1999, respondent, until only recently, showed little interest in providing either a home or emotional or financial support for his daughter. As noted by the trial court when rendering its decision in this matter, "the testimony throughout the trial indicated that [respondent's] plan for his daughter involved other people caring for her, no plan involving his own providing for her either financially, physically, or emotionally." Given that respondent's failure to so provide for the child has resulted in her languishing within the temporary custody of the Family Independence Agency for a period of nearly two years, the trial court did not clearly err in refusing to further delay permanency for the child.

We affirm.

/s/ E. Thomas Fitzgerald  
/s/ Richard A. Bandstra  
/s/ Kirsten Frank Kelly