STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of TAYLOR JOSEPHINE MA GRIFFIN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DAVID C. GRIFFIN,

Respondent-Appellant.

UNPUBLISHED
December 18, 2007

No. 276661
Wayne Circuit Court
Family Division
LC No. 02-409241-NA

Before: Jansen, P.J., and O'Connell and Fort Hood, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating his parental rights under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

Respondent argues that petitioner failed to make reasonable efforts to reunite him with his daughter and that termination was against the child's best interests. Petitioner generally must make reasonable efforts to reunite a respondent and his child through a treatment plan and referrals. *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005); MCL 712A.18f. Failure to make reasonable efforts can prevent petitioner from establishing statutory grounds to terminate a respondent's parental rights. See *In re Newman*, 189 Mich App 61, 67-68, 70; 472 NW2d 38 (1991).

In the present case, petitioner made reasonable efforts to reunite respondent and his child, especially during the year before termination. Respondent's services were delayed for several years for reasons attributable to both respondent and foster care workers. When respondent finally pursued a treatment plan and referrals in fall 2005, he was soon arrested and convicted of unarmed robbery. His parenting classes began in January 2006, and counseling began in June 2006. In May 2006, respondent continued to claim the worker was difficult to reach, and he disputed how often he visited the child in the maternal relative's home. However, he did not take advantage of the lower court's request that he log his efforts to contact the worker and attend weekly agency visits. There was also confusion regarding respondent's efforts in

counseling; however, the uncontroverted evidence established that he stopped parenting classes in May 2006, stopped counseling in September 2006, and stopped visiting his daughter in July 2006. He also stopped attending hearings, including the termination hearing, and was in warrant status for violating probation at the time of termination. Therefore, it was respondent's, not petitioner's, failure to act appropriately that ultimately led to the termination of respondent's rights. Moreover, given respondent's lackluster response to petitioner's reunification efforts, respondent has failed to show that other services would have had any realistic effect on the likelihood that he could one day be reunified with his daughter. See *In re Fried*, *supra* at 543.

Finally, respondent argues that termination was against his daughter's best interests. Respondent correctly argues that the bond between respondent and his daughter was relevant to this analysis. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004). However, the child's need for permanency was also relevant. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). Although the workers could have been more helpful sooner, respondent did not make the effort necessary to gain custody for the nearly five years that his daughter was a temporary ward of the court. He offered no evidence contradicting testimony that he was unemployed and in violation of probation, that he failed to make his home available for inspection, and that he had stopped engaging in services and visiting his child. Therefore, the evidence did not suggest that termination clearly contravened the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Kathleen Jansen
/s/ Peter D. O'Connell
/s/ Karen M. Fort Hood