

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KINGSTON KANE NORTHRUP  
and TESSA KAY NORTHRUP, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KRISTY KAY NORTHRUP,

Respondent-Appellant,

and

NATE DAVIS,

Respondent.

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UNPUBLISHED

May 15, 2008

No. 282297

Saginaw Circuit Court

Family Division

LC No. 07-031041-NA

Before: Donofrio, P.J., and Sawyer and Murphy, JJ.

PER CURIAM.

Respondent Northrup appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (j), and (m). We affirm.

Respondent's parental rights were terminated at the initial dispositional hearing. Her sole claim on appeal is that petitioner failed to make reasonable efforts to prevent the children's removal before the court took action in this matter. This issue has not been preserved for appeal because respondent did not raise it below. *Rooyakker & Sitz, PLLC v Plante & Moran, PLLC*, 276 Mich App 146, 162; 742 NW2d 409 (2007). Therefore, the issue is reviewed for plain error. *Kloian v Schwartz*, 272 Mich App 232, 242; 725 NW2d 671 (2006).

The general rule in a child protective proceeding is that if the Department of Human Services (DHS) recommends against placing a child in the parent's custody, it must report to the court "what efforts were made to prevent the child's removal from his or her home or the efforts made to rectify the conditions that caused the child's removal from his or her home" or explain "the reasons why services were not provided." MCL 712A.18f(1). The court rules governing the preliminary hearing require that when the court determines that a child's placement outside the home is necessary, it must "determine whether the agency has made reasonable efforts to

prevent the removal of the child or that reasonable efforts to prevent removal are not required.” MCR 3.965(D)(1). Reasonable efforts to prevent removal are not required under certain circumstances, such as when the court finds that “the parent has subjected the child to aggravated circumstances” as provided by MCL 722.638(1) and (2). MCR 3.965(D)(2)(a); MCL 712A.19a(2)(a). Under MCL 722.638(1)(b)(ii), the DHS is required to initiate child protective proceedings if it determines that there is a risk of harm to the child and the parent’s rights to another child were voluntarily terminated following the initiation of child protective proceedings. The DHS is required to request termination at the initial dispositional hearing “if a parent is a suspected perpetrator or is suspected of placing the child at an unreasonable risk of harm due to the parent’s failure to take reasonable steps to intervene to eliminate that risk[.]” MCL 722.638(2).

Petitioner initiated child protective proceedings with respect to the minor children and requested termination at the initial dispositional hearing because respondent had placed them at an unreasonable risk of harm by using cocaine during her pregnancy. Following their premature birth, the twins were at a risk of harm because respondent’s limited intellectual capacity affected her ability to attend promptly and properly to their special needs as demonstrated by her inability to care for a sibling or Kingston, despite instruction geared toward her learning ability. Finally, respondent’s parental rights to the sibling had been voluntarily terminated following the initiation of child protective proceedings. Therefore, reasonable efforts to prevent removal were not required. In any event, the record showed that respondent had been provided with services; she had received assistance from Families First in the prior proceeding but failed to benefit and had been trained at the hospital in caring for Kingston but failed to benefit. Respondent has failed to show plain error.

Affirmed.

/s/ Pat M. Donofrio  
/s/ David H. Sawyer  
/s/ William B. Murphy