

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BILLY LEE EMERY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIAM THOMAS EMERY, JR.,

Respondent-Appellant,

and

ANGELA MARIE CHADWICK,

Respondent.

In the Matter of BILLY LEE EMERY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANGELA CHADWICK,

Respondent-Appellant,

and

WILLIAM THOMAS EMERY, JR.,

Respondent.

Before: Meter, P.J., and Smolenski and Servitto, JJ.

UNPUBLISHED

July 31, 2008

No. 281897

Wayne Circuit Court

Family Division

LC No. 04-436117-NA

No. 281898

Wayne Circuit Court

Family Division

LC No. 04-436117-NA

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(g), (i), (j), and (m). We affirm.

Respondents argue that the agency failed to make reasonable efforts to reunite them with the minor child. We review the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). First, the evidence showed that the agency provided numerous services to respondents, who had an extensive history with Child Protective Services, including prior involuntary and voluntary parental terminations. After the birth of this child, respondents were given "preventive services" to prevent his removal. It was only after their failure to accept and comply with the offered services that the agency filed the petition for termination. Further, the agency was not required to make reasonable efforts to aid respondents. Under MCL 712A.19a(2)(c), reasonable efforts to reunite the child and family are not required if the parent has had rights to the child's sibling involuntarily terminated. See also MCL 722.638(1)(b)(i) and (ii), MCR 3.977(E), and *In re Terry*, 240 Mich App 14, 26 n 4; 610 NW2d 563 (2000).

The fact that the child appeared to be healthy at the time of his removal did not negate the conclusion that he was at risk of harm with respondents. See, generally, *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001), (discussing the doctrine of anticipatory neglect). In addition, respondents' reliance on the paternal grandfather's contradictory testimony is misplaced. We give regard to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Affirmed.

/s/ Patrick M. Meter
/s/ Michael R. Smolenski
/s/ Deborah A. Servitto