

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* DIXON, Minors.

UNPUBLISHED

June 14, 2016

No. 329842

Wayne Circuit Court

Family Division

LC No. 14-516665-NA

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Before: TALBOT, C.J., and MURRAY and SERVITTO, JJ.

PER CURIAM.

Respondent appeals as of right an order terminating her parental rights over two minor children, pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), (g), (j), and (k). We affirm.

The children came to the attention of the Department of Health and Human Services (DHHS) after one of the children was almost hit by a truck due to lack of supervision. The children were made temporary wards of the state in September 2014 and respondent was subsequently ordered to follow a treatment plan that included individual therapy, family therapy, parenting classes, and to undergo psychiatric and psychological evaluations, undergo substance abuse therapy, random weekly drug screen, obtain/maintain suitable housing, obtain/maintain a legal source of income, maintain regular contact with the foster care worker, and weekly supervised parent visits. Tracie Bernard, respondent's first foster care worker, referred respondent to parenting classes, individual and family therapy, and substance abuse treatment. At some point, Tracie Bernard, for unknown reasons, stopped servicing respondent's case file and Rasha Bradford took over. Once Bradford began servicing respondent's case, she re-referred respondent to substance abuse treatment, parenting classes, and individual counseling in the spring of 2015. Those services were ultimately terminated for respondent's failure to participate in them. In May 2015, Bradford transitioned out of her foster care position, and respondent's file was assigned to a new foster care worker, Gabriele Schwarz in June 2015. Once Schwarz was responsible for respondent's file, she referred respondent, for a third time during the pendency of the case, to parenting classes, individual and family therapy, and substance abuse treatment.

After a bench trial, the trial court found that statutory grounds existed to terminate respondent's parental rights under MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), (g), (j), and (k), and that termination was in the children's best interest. In addition, the trial court found that several services were offered to respondent, but that respondent "hasn't done anything [related to the services offered]."

The only issue in this appeal is whether the trial court erred in finding that DHHS made reasonable efforts to reunify respondent with her minor children. A trial court's factual findings supporting an order terminating parental rights is reviewed under the clearly erroneous standard. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). "A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made." *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). When assessing the trial court's factual findings, due regard is given to the trial court's "special opportunity" to judge the credibility of the witnesses. *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011).

"To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been proved by clear and convincing evidence." *Id.* at 32. If a statutory ground for termination exists, then the court must terminate parental rights unless termination is "clearly not in the child's best interests." *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005). In addition, reasonable reunification efforts must be made in all cases except those where aggravated circumstances exist. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). While DHHS "has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012). Before entering an order of disposition, the trial court must find whether reasonable efforts have been made. *In re Plump*, 294 Mich App 270, 272; 817 NW2d 119 (2011).

The trial court's factual finding that DHHS provided respondent with services and made reasonable efforts to reunify respondent with her minor children was not clearly erroneous. As part of her treatment plan, respondent was ordered to undergo: (1) individual therapy, (2) family therapy, (3) parenting classes, (4) a psychiatric evaluation, (5) a physiological evaluation, (5) substance abuse therapy, and (6) random weekly drug screens. Bernard first referred respondent to parenting classes, individual and family therapy, and substance abuse treatment in November 2014, however those services were terminated because of respondent's failure to attend her scheduled appointments and maintain contact with her therapist. Nevertheless, respondent was re-referred by Bradford to substance abuse treatment, parenting classes, and individual counseling in the spring of 2015. Again, these services were terminated because respondent failed to attend her scheduled sessions.

DHHS also assigned a parent partner to respondent. The parent partner attempted to make contact with respondent on several occasions, even mailing respondent information. Despite the parent partner's attempts to connect, respondent only replied to the parent partner once to make an appointment, which respondent subsequently failed to show up for.

Respondent argues that reasonable efforts were not made because her file was serviced by three different foster care workers. More specifically, respondent takes issue with the fact that she was not informed in May 2015 that Bradford would no longer be servicing her case, and was not contacted by the new social worker, Gabriele Schwarz, for several weeks after Bradford's departure. While there was a transitional period before Schwarz took over respondent's file, Schwarz testified that services were still being offered during that transitional period, but respondent was not attending or benefiting from those services.

In any event, Schwartz attempted to assist respondent when she referred respondent, for a third time, to parenting classes, individual and family therapy, and substance abuse treatment in August 2015. The fact of the matter is that despite numerous services offered over the course of approximately one year, respondent failed in her own responsibility to participate in, and benefit from, the services that were offered. See *Frey*, 297 Mich App at 248. The trial court did not clearly err in finding that DHHS expended reasonable efforts and provided reasonable services in an attempt to secure reunification with the children.

Affirmed.

/s/ Michael J. Talbot  
/s/ Christopher M. Murray  
/s/ Deborah A. Servitto