STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
July 26, 2012

In the Matter of L. B. WIECZOREK, Minor.

No. 306770
Wayne Circuit Court
Family Division
LC No. 08-479397-NA

In the Matter of L. B. WIECZOREK, Minor.

No. 306771
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Family Division
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Before: TALBOT, P.J., and SERVITTO and M. J. KELLY, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal by right the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(*i*), (g), and (j). Because there were no errors warranting relief, we affirm.

This Court reviews the trial court's findings of fact in termination proceedings for clear error. MCR 3.977(K); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed . . . ." *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

The Department of Human Services became involved with the minor child after the child tested positive for cocaine and marijuana at birth. Respondent-mother had relinquished her rights to another child two years before and that child also tested positive for marijuana at birth. Respondent-mother had very little prenatal care during her pregnancy with this child. And respondents' relationship was plagued by domestic violence.

At the time that the trial court found that there was sufficient evidence to take jurisdiction over the child, it also found that there was sufficient evidence to warrant the immediate termination of respondent-mother's parental rights. However, it declined to do so in order to give her an opportunity to participate in a treatment plan.

By the time of the termination hearing, the child had been in the court's custody for 17 months. Both parents had been offered treatment plans and services, but both failed to comply with their plans' requirements.

Respondent-father argues that petitioner failed to make reasonable efforts to reunify him with the child. Specifically, respondent-father argues that petitioner's efforts were inadequate because he was despondent over his father's death at the relevant time and could not comply with the plan, but is now ready and willing to plan for the child. The adequacy of petitioner's efforts toward reunification is relevant to the sufficiency of the evidence to establish statutory grounds for termination of respondent's parental rights. See *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005). Respondent-father's claim that petitioner failed to make reasonable efforts toward reunification is unpreserved. Therefore, our review is limited to review for plain error. *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008).

Petitioner made reasonable efforts to reunify respondent-father with the child. Respondent-father had entered into a parent agency agreement nine months before the termination hearing. During that period, respondent-father did not comply with any of the plan's requirements. He did not provide consistent drug screens and was unable to visit with the child because of his failure to provide two consecutive clean screens. He did not complete substance abuse or domestic violence treatment or therapy. He did not complete parenting classes or obtain a psychological evaluation. He did not maintain contact with the caseworker and missed several court hearings. During the period in which a parent agency agreement was in place, respondent-father also continued to drink excessively and was violent on at least three occasions toward respondent-mother; on one of those occasions, he fired a gun at her. Respondent-father further told the caseworker that he was unable to care for the minor child because his housing was not appropriate.

The trial court told respondent-father at the adjudication that he needed to plan for the child if his intent was to maintain his parental rights. Respondent-father did very little, if anything, in this regard and, under these facts, his failure cannot be fairly attributed to any deficiency in the petitioner's efforts. *See In re Fried*, 266 Mich App at 542. Little had changed since the child first came into the court's custody. The trial court's finding that respondent-father was not committed to the child, was not able to care for the child, and would not be able to care for the child within a reasonable period of time was supported by the record evidence.

Respondent-mother also did not comply with the requirements of her treatment plan. She did not provide consistent drug screens, did not complete counseling for substance abuse, continued to use marijuana and drink alcohol, and was unable to visit the child because she could not provide two consecutive clean screens. She did not complete domestic violence counseling and continued to engage with respondent-father, even after he had physically abused her and fired a gun at her. Respondent-mother did not complete a psychological or psychiatric evaluation, did not obtain a job, and had not obtained or worked on obtaining her GED. Respondent-mother's excuses for her failure to comply included that she did not have transportation, the bus passes given to her by petitioner could not be used where she lived, she did not have money to take the bus, and she did not receive assistance regarding how to obtain a GED and how to obtain a personal protection order. Respondent-mother took no responsibility for herself or for her child. She showed absolutely no commitment to doing what was necessary

to care for the child. She had more than enough time to make an effort, and she made very little effort if any. The trial court did not clearly err by terminating her parental rights or in its best-interest determination. See MCL 712A.19(b)(5). The minor child was entitled to grow up in a safe and stable home, which respondent-mother was unable or unwilling to provide.

The trial court did not clearly err when found that there was clear and convincing evidence to terminate respondents' parental rights under MCL 712A.19b(3)(c)(*i*), (g), and (j) and that it was in the child's best interests to do so, MCL 712A.19(b)(5).

Affirmed.

/s/Michael J. Talbot
/s/ Deborah A. Servitto
/s/ Michael J. Kelly