STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SHAMEEK MARQUIS WELLS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CLARISSA L. HARRIS, a/k/a CLARISSA LOUISE FERGUSON,

Respondent-Appellant,

and

PARIS LEE WELLS,

Respondent.

UNPUBLISHED
January 24, 2008

No. 278182
Isabella Circuit Court
Family Division
LC No. 05-000156-NA

In the Matter of SHAMEEK MARQUIS WELLS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PARIS LEE WELLS,

Respondent-Appellant,

and

CLARISSA L. HARRIS, a/k/a CLARISSA LOUISE FERGUSON,

No. 278430
Isabella Circuit Court
Family Division
LC No. 05-000156-NA

Respondent.

Before: Davis, P.J., and Murphy and White, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the order of the trial court terminating their parental rights to the minor child. Respondent mother's parental rights were terminated pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). Respondent father's parental rights were terminated pursuant to MCL 712A.19b(3)(h), (j), and (k). We affirm.

Respondent mother challenges the trial court's finding that termination of her parental rights is warranted under statutory subsection (3)(c)(i), contending the absence of clear and convincing evidence to demonstrate that the conditions that led to adjudication continued to exist and that there was no reasonable likelihood that they would be rectified within a reasonable time given the age of the child. We disagree. The minor child has many special needs as a result of shaken baby syndrome suffered at the hands of his father. These include hydrocephalus (water on the brain), developmental delays in cognition, speech, and vision, and a mild form of cerebral palsy. He requires a special diet, and his physical delays cause him to fall more than other toddlers, thus his caregiver has to be more aware of safety concerns than a typical parent. Respondent mother's therapist testified that respondent was unable to meet the child's physical needs, particularly regarding safety. The record indicates that, although respondent mother complied with some aspects of the case service plan, she ultimately stopped seeing her individual counselor. Several experts testified that respondent mother's detrimental behavior patterns could only be addressed through consistent individual counseling. Further, the trial court found that respondent-mother had attempted to mislead the court regarding her relationship with Michael Jackson who, contrary to respondent's testimony, lived with her on and off from January to April 2007, moved in with her in April 2007, and was later incarcerated for third degree criminal sexual conduct and first-degree home invasion. Thus, there was evidence that respondent mother continued to involve herself with dangerous persons. We conclude that there was clear and convincing evidence that respondent mother failed to demonstrate that her lifestyle choices had been rectified or that they would be rectified within the foreseeable future.

We also reject respondents' contention that the trial court erred in finding that petitioner had made reasonable efforts to reunify respondent mother with the child given petitioner's failure to provide a particular service. We disagree. When a child is removed from a parent's custody, the agency charged with the care of a child is required to report to the trial court the efforts made to rectify the conditions that led to the removal of the child. MCR 3.973(E)(2); *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005). Before the trial court enters an order of disposition, it is required to state whether reasonable efforts have been made to prevent the child's removal from the home or to rectify the conditions that caused the child to be removed from the home. MCL 712A.18f. In this case, there has been no demonstration that respondent mother was entitled to the service in question, or that the service, if provided, would have enabled her to progress where she failed to benefit from the other numerous services provided. *Fried*, *supra*. Because one statutory ground was established by clear and convincing evidence,

we need not address respondent mother's challenge regarding another statutory ground. *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000).

In addition, the trial court did not abuse its discretion by granting petitioner's motion to reopen the proofs. There has been no showing, either below or on appeal to this Court, that the reopening of proofs to admit the newly discovered material evidence resulted in prejudice or surprise to respondents or in undue advantage to petitioner. See *People* v *Solomon*, 220 Mich App 527, 532; 560 NW2d 651 (1996).

Affirmed.

/s/ Alton T. Davis
/s/ William B. Murphy
/s/ Helene N. White