

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of KALISTA DEBORAH LAKE,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARQUITA WILKINS,

Respondent-Appellant.

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UNPUBLISHED

January 6, 2009

No. 286235

Saginaw Circuit Court

Family Division

LC No. 04-028947-NA

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In the Matter of KAHLIL DETORION WILKINS,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARQUITA WILKINS,

Respondent-Appellant,

and

RANDOLPH JENNINGS,

Respondent.

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No. 286236

Saginaw Circuit Court

Family Division

LC No. 06-030242-NA

Before: Zahra, P.J., and O’Connell and Fort Hood, JJ.

PER CURIAM.

Respondent-appellant Marquita Wilkins appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The sole issue on appeal is whether the trial court erred in finding petitioner made reasonable efforts to prevent the children’s removal and to rectify the conditions leading to adjudication. Respondent did not raise this issue in the trial court and did not preserve it for appeal. *Phinney v Perlmutter*, 222 Mich App 513, 544; 564 NW2d 532 (1997). This Court reviews unpreserved issues for plain error affecting substantial rights. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999).

The general rule in a child protective proceeding is that if the Department of Human Services (the agency) 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); MCR 3.965(D)(1). If reunification is the agency goal, upon removal the agency is required to provide an initial case service plan within 30 days identifying specific goals to be achieved by the parties and projected time frames for meeting those goals, and update that case service plan every 90 days. MCL 712A.18f(5); MCR 3.965(E)(1), (3). The service plan must include a schedule of services to be provided to the parent, child, and foster parent to facilitate the child's return to his or her home or to facilitate the child's permanent placement. MCL 712A.18f(3)(d). At each dispositional hearing the trial court reviews the case service plan and evidence to determine whether the parties have made reasonable efforts to prevent removal or rectify the conditions leading to adjudication, and enters appropriate orders. MCL 712A.18f(4); MCR 3.973(F)(1), (2), (3).

The facts of this case show that the agency provided services to respondent in 2004 after she requested removal of her daughter for behavioral disorders, and reunification occurred. Respondent’s daughter was diagnosed with bipolar disorder, attention deficit disorder, and pervasive development disorder, a disorder on the autism spectrum. She had extreme difficulty controlling her behavior and several developmental delays, was prescribed various medications, and required intensive daily interventions to address her deficits.

Respondent’s daughter was again removed in February 2006 for physical abuse, but she was returned a week later with provision of respite services, therapy for both respondent and her daughter at Community Mental Health, evaluations, a PLAY program through Easter Seals, referral to parenting classes, financial assistance, Section Eight housing, and Family Reunification Services. However, in June 2006 respondent agreed she could not parent her daughter and agreed to her daughter’s placement in residential care until she could learn to effectively parent a child with her daughter’s special needs. The agency failed to provide an updated service plan between August 2006 and September 2006 due to the caseworker’s unplanned extended medical leave, and although respondent argues on appeal that this demonstrated the agency’s lack of reasonable effort, the trial court specifically found the agency made reasonable efforts during that time despite lack of a written service plan because

respondent's therapy and parent mentoring continued. The evidence showed the agency continuously provided assistance to facilitate respondent's visits with her daughter in the form of gas cards and offers of transportation in an attempt to enable respondent to learn to parent her, but for 17 months respondent's visits were so sporadic as to provide no progress toward reunification. Respondent argues on appeal that the specialized care did not help her daughter, and that the agency's decisions were driven only by cost when it planned to move her to a more distant residential facility, but the evidence showed the minor child made substantial progress in care and the agency did not move her during this proceeding.

In an effort to prevent the removal of respondent's son, the agency provided Families First services and a parent mentor, but respondent failed to cooperate and he was removed but returned to her care shortly thereafter. Respondent repeatedly refused to take advantage of agency referrals to approved caretakers, and she continually allowed unacceptable persons to care for her son, which led to his physical abuse and re-removal. In an effort toward reunification with her son, the agency provided respondent therapy, parenting time, referral to Work First and Section Eight housing, and financial assistance. Seven months before the termination hearing, respondent discontinued visiting the children and attending therapy. She had a child with the man who had beaten her son. Respondent argues on appeal that offering that man services with regard to their child, but prohibiting his contact with her other children, sent respondent a mixed message, but the evidence showed the agency was mandated to provide services to attempt reunification with his own child.

The evidence showed the agency consistently made reasonable efforts to prevent the children's removals and to facilitate reunification, but respondent did not avail herself of services or sufficiently benefit from them. No error occurred.

Affirmed.

/s/ Brian K. Zahra  
/s/ Peter D. O'Connell  
/s/ Karen M. Fort Hood