

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

March 10, 2011

In the Matter of D. HODGES-THOMAS, Minor.

No. 301110

Ingham Circuit Court

Family Division

LC No. 09-001474-NA

Before: FITZGERALD, P.J., and O'CONNELL and METER, JJ.

PER CURIAM.

Respondent J. Hodges-Cruell appeals as of right from a circuit court order terminating her parental rights to a minor child under MCL 712A.19b(3)(g) and (j). We affirm.

Respondent does not take issue with the trial court's determinations regarding the statutory grounds for termination or the child's best interests, but instead contends that petitioner breached its duty to provide her with services for reunification. Because respondent did not raise this issue below, it is not preserved, *Polkton Twp v Pellegrom*, 265 Mich App 88, 95; 693 NW2d 170 (2005), and "review is limited to determining whether a plain error occurred that affected substantial rights," *In re Egbert R Smith Trust*, 274 Mich App 283, 285; 731 NW2d 810 (2007), aff'd 480 Mich 19 (2008).

Generally, when a child is removed from the custody of the parents, the Department of Human Services (DHS) is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan, if reunification is the goal. See MCL 712A.18f(1), (2), and (4); see also MCL 712A.19a(2). Reasonable efforts to reunify the family must be made in all cases absent exceptional circumstances not present here. *Id.* If a respondent is willing and able to accept services designed to rectify the conditions that led to the child becoming a temporary court ward, the petitioner's failure or refusal to provide such services can preclude termination of parental rights. *In re Newman*, 189 Mich App 61, 66-68; 472 NW2d 38 (1991). When a respondent claims that the DHS failed to provide additional needed services, the respondent, to obtain appellate relief, must show that the services would have benefitted her. See, e.g., *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005).

There is no basis for appellate relief in this case. The caseworker developed a service plan for reunification and adopted a parent-agency agreement for respondent. Respondent was given a referral for a psychological evaluation. She attended, but was uncooperative, thus preventing the psychologist from accurately diagnosing her condition. Respondent was also given referrals for parenting classes and drug screens, and family visits were made available, but

respondent refused to attend. While the facts suggested that respondent may have benefited from mental health treatment, and the parent-agency agreement recognized the need for such treatment, there is nothing in the record to indicate that respondent would have been any more cooperative with such a referral than she had been with other referrals. Indeed, the caseworker testified that she attempted to make a therapy referral, but was unable to make contact with respondent, who would not return her calls and instead left messages asking the caseworker's supervisor to tell the caseworker to stop calling her and to leave her alone. The caseworker testified that she also attempted to maintain contact with respondent by mail but received no response.

The record shows that the DHS made reasonable efforts to reunify respondent with her child, but respondent was unwilling to accept services. Respondent has not shown plain error, and reversal is unwarranted.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Peter D. O'Connell
/s/ Patrick M. Meter