

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 22, 2011

In the Matter of J. E. CRUZ, Minor.

No. 303308
Saginaw Circuit Court
Family Division
LC No. 09-032324-NA

Before: RONAYNE KRAUSE, P.J., and CAVANAGH and JANSEN, JJ.

PER CURIAM.

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

Respondent argues that her due process rights were violated by petitioner's failure to make reasonable efforts at reunification. We disagree.

When a child is removed from a parent's custody, petitioner is required to make reasonable efforts at reunification. MCL 712A.18f(1), (2), (4). A failure to make reasonable efforts at reunification may prevent petitioner from establishing the statutory grounds for termination. *In re Newman*, 189 Mich App 61, 67-68, 70; 472 NW2d 38 (1991). Whether petitioner made reasonable efforts at reunification is a question of fact; this Court defers to the trial court's factual findings unless those findings are clearly erroneous. MCR 3.977(K).

Petitioner took respondent's minor status and lack of life experience into account in making reasonable efforts at reunification. At the termination hearing, an infant mental health specialist testified that she offered to meet weekly with respondent for therapy and parenting assistance. However, respondent refused to participate in the therapy because she did not trust the specialist. She also failed to schedule appointments and did not avail herself of the opportunity she was offered to obtain a different therapist. Respondent was even offered weekly sessions by Teen Parent Services *at her own home*, but respondent missed those visits as well. Despite specialists' attempts to assist respondent with her parenting skills, the specialists concluded that respondent was simply not able to implement their recommendations. Respondent was also offered Families First and Birth to Five programs, substance abuse treatment, and psychological assistance, all of which were ultimately intended to rectify respondent's weaknesses as a parent and bring about reunification. Petitioner could not force respondent to attend or participate in any of the services. The trial court did not clearly err in finding that petitioner's efforts at reunification were reasonable.

Respondent also argues that no statutory grounds for termination of her parental rights were proven by clear and convincing evidence. Again, we disagree. The trial court's decision that a ground for termination has been proven by clear and convincing evidence and the best interests determination are reviewed for clear error. *In re Rood*, 483 Mich 73, 90-91; 763 NW2d 587 (2009).

The conditions leading to adjudication were respondent's failure to follow through with medical appointments for the child's respiratory condition, respondent riding a bike in cold weather while holding him, and respondent's failure to provide a safe and stable home. Although at the time of the termination hearing respondent was not responsible for taking the child to medical appointments, there was evidence that she would likely fail to follow through with his medical needs. Respondent failed to follow through with her own service appointments, failed to schedule appointments for long periods of time, and did not seek prenatal care while pregnant with another child. She also did not have a safe and stable home. The apartment in which she lived had dog feces and urine in it, respondent had been bitten by a neighbor's pit bull while living there, and the environment was chaotic. Therefore, the conditions leading to adjudication continued to exist.

Further, respondent failed to develop a bond or an attachment with the year and a half old child. Respondent did not seem to be aware of the child's needs or able to understand how her interactions affected him. She mostly spoke about adult subjects to him and did so in adult terms. She could not calm him when he was distraught at visits. Respondent was not able to consistently implement the processes on which her service providers worked with her. Further, she did not have a safe living environment for her son.

The trial court also did not clearly err in finding that respondent could not rectify the conditions leading to adjudication within a reasonable time or provide proper care and custody for her son within a reasonable time. Respondent did not make any improvements in the areas that her service providers were concerned about, and she failed to make appointments for further assistance. Finally, after visits were terminated, she failed to even call to set up further visits. Respondent's lack of progress was a strong indication of her inability to make the necessary changes within a reasonable time.

Affirmed.

/s/ Amy Ronayne Krause
/s/ Mark J. Cavanagh
/s/ Kathleen Jansen