

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 13, 2012

In the Matter of MOORE, Minors.

No. 310741
Wayne Circuit Court
Family Division
LC No. 10-497762-NA

Before: JANSEN, P.J., and SAWYER and FORT HOOD, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that §§ 19b(3)(a)(ii), (c)(i), and (g) were each established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); MCR 3.977(H)(3)(a) and (K). The children were removed from the home in November 2010 for several reasons, including a lack of suitable housing. The initial dispositional order was entered in March 2011 and the supplemental petition for termination was filed nearly a year later in February 2012. Respondent became homeless, did nothing to obtain housing despite recommendations to seek assistance from the Department of Human Services (DHS), or to even maintain stable housing with a friend or relative, and she continued to move from place to place, staying with whoever would take her in. Respondent stopped attending court hearings in July 2011 and stopped visiting with the children not long thereafter, and she told the foster-care worker more than once that she did not intend to participate in services and preferred that the children be placed with their father. This evidence supports termination under §§ 19b(3)(a)(ii), (c)(i), and (g). Although the basis for termination under § 19b(3)(j) is unclear, any error in relying on that additional ground for termination is harmless because only one ground for termination need be proven. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent contends that termination was improper because petitioner did not meet its obligation to provide her with services. This issue has not been preserved for appeal because respondent never objected or claimed that the services provided were inadequate, *In re Frey*, ___ Mich App ___; ___ NW2d ___ (Docket No. 307152, issued July 3, 2012), slip op at 3. Thus “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).

Absent certain aggravating circumstances, petitioner is obligated to make reasonable efforts to reunify the child and family. MCL 712A.19a(2). The trial court expressly identified the services in which respondent was to participate and other requirements necessary for reunification. The record discloses that respondent was given referrals for parenting classes, therapy, a psychiatric evaluation, drug screens, and domestic violence classes. Although the caseworker admitted that respondent was not given referrals for housing, employment, or GED classes, that does not necessarily mean that respondent was not provided any assistance in those areas. It is possible that in using the term “referral,” the worker may have meant an authorization for a service provider to render and be paid by the state for services. See Childrens Foster Care Manual, § 722-6, p 28 (“[f]or a DHS contracted therapist to receive payment, a referral must be issued by DHS”). The worker did testify that she gave respondent recommendations regarding Section 8 housing and GED classes. Further, it is clear from the record that while respondent had some physical health problems and she at times claimed that they prevented her from engaging in services, there was no evidence that respondent was physically incapable of engaging in services except when she was hospitalized, and there was no evidence that respondent was hospitalized for such extended periods of time that she never had an opportunity to participate in services. More significantly, however, respondent told the foster-care worker more than once that she did not intend to participate in services. Accordingly, respondent has not shown a plain error with regard to this issue.

Lastly, respondent argues that the trial court erred in finding that termination of her parental rights was in the children’s best interests. We review the trial court’s best interests decision for clear error. MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357. Respondent argues that the trial court clearly erred in finding that there was no significant parental bond between respondent and the children. Although there was evidence that a strong bond existed between respondent and her son during the initial stages of the case, it was clear that the bond had diminished because respondent stopped visiting the children and the caseworker testified that the children had stopped inquiring about her. Further, the evidence showed that respondent was not interested in maintaining a relationship with the children, given that she had not seen them for several months before the termination hearing, that she told the caseworker that she did not want to pursue reunification and wanted the children to be placed with their father, and that she did not appear for the termination hearing. Further, respondent lacked a home for the children and a source of income with which to support them. Therefore, the trial court did not clearly err in finding that termination of respondent’s parental rights was in the children’s best interests.¹

¹ Because the children remained in non-relative foster care throughout the case, respondent’s claim that the trial court erred by failing to consider the children’s placement with relatives as required by *In re Olive*, ___ Mich App ___; ___ Mich App ___ (Docket No. 306279, issued June 5, 2012), slip op at 4, is without merit. Further, the fact that the children could potentially be reunified with their father at some future point would not constitute placement with a relative, because a relative is someone other than a parent who is related to the child. MCL 712A.13a(1)(j).

Therefore, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Kathleen Jansen

/s/ David H. Sawyer

/s/ Karen M. Fort Hood