

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
February 21, 2013

In the Matter of CHINGO-FRENCH/POPE-  
FRENCH, Minors.

No. 312131  
Kalamazoo Circuit Court  
Family Division  
LC No. 10-000116-NA

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Before: FITZGERALD, P.J., and METER and M. J. KELLY, JJ.

PER CURIAM.

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

At the outset, although not contested by respondent, we note that the trial court did not clearly err in finding that three statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The conditions that led to the adjudication in this case continued to exist at the time of termination and respondent was homeless, unemployed, and had failed to address her substance abuse at the time of the termination hearing. And, based on respondent mother's lack of cooperation with the services offered to her, there was no evidence that those conditions could be rectified within a reasonable time. MCL 712A.19b(3)(c)(i). In the same way, respondent failed to provide proper care or custody for the minor children and there was no reasonable expectation that she would be able to provide that care within a reasonable time because of the children's young ages. MCL 712A.19b(3)(g). Also, because of respondent mother's homelessness, unemployment, and unresolved substance abuse, there was evidence of a reasonable likelihood that the children would have been harmed if they were returned to respondent mother's home. MCL 712A.19b(3)(j). On this record, we find that the trial court did not clearly err in finding statutory grounds for termination under MCL 712A.19b(3)(c)(i), (g), and (j). *Trejo Minors*, 462 Mich at 356-357. In regard to MCL 712A.19b(3)(c)(ii), the trial court did not specify what "other conditions" existed that caused the children to come within its jurisdiction. However, only one statutory ground for termination must be established by clear and convincing evidence. *Id.* at 360.

Also, while again not specifically raised as an issue by respondent, after a trial court has established a statutory ground for termination by clear and convincing evidence, the trial court should order termination of parental rights if termination is in the best interests of the children. MCL 712A.19b(5); *In re Beck*, 488 Mich 6, 11; 793 NW2d 562 (2010). In determining the

minor children's best interests, the trial court noted that the children had only a "trauma" bond with respondent mother. The trial court also found that the children needed consistent, stable parenting and a permanent place to call home. The trial court properly considered these factors. *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). We find that the trial court's determination that the termination of respondent mother's parental rights was in the minor children's best interests was not clearly erroneous. *Trejo Minors*, 462 Mich at 356-357.

Respondent argues that her parental rights should not have been terminated because petitioner failed to make reasonable efforts to avoid termination of parental rights in this case. However, she failed to object or indicate that the services provided to her were inadequate before the trial court. This issue is therefore unpreserved, *In re Frey*, 297 Mich App 242; \_\_\_ NW2d \_\_\_ (2012), slip op at 3, and our review is for plain error affecting substantial rights. *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008), citing *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999).

Generally, in petitioning for the termination of parental rights, "petitioner must make reasonable efforts to rectify conditions, to reunify families, and to avoid termination of parental rights." *In re LE*, 278 Mich App 1, 18; 747 NW2d 883 (2008). "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." *In re Plump*, 294 Mich App 270, 272; 817 NW2d 119 (2011). The failure to make reasonable efforts to avoid the termination of parental rights may prevent the establishment of statutory grounds for termination. *In re Newman*, 189 Mich App 61, 67-68; 472 NW2d 38 (1991). However, "[w]hile the DHS has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered." *In re Frey*, slip op at 3.

Here, over the course of this lengthy proceeding, petitioner offered respondent drug screens, free substance abuse services, counseling, parenting times, free medication to deal with her ADHD, employment services, housing services, and parenting classes. Accordingly, the record shows that petitioner expended reasonable efforts to provide services to secure reunification of respondent and the children. Respondent failed to adequately participate in the offered services. Respondent has not shown plain error in her claim that petitioner failed to make reasonable efforts to avoid termination of parental rights in this case. *Id.*; *In re Utrera*, 281 Mich App at 8.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Patrick M. Meter

/s/ Michael J. Kelly