

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
April 16, 2013

In the Matter of H. PARKER, Minor.

Nos. 313541; 313590
St. Joseph Circuit Court
Family Division
LC No. 11-000401-NA

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

PER CURIAM.

Respondent father and respondent mother appeal as of right the trial court order terminating their parental rights to their minor child under MCL 712A.19b(3)(g) and (j). We affirm.

Respondents argue that the trial court clearly erred in finding that two statutory grounds for termination were established in this case. A trial court's finding that a ground for termination has been established is generally reviewed under the clearly erroneous standard. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

To terminate parental rights, a trial court must find the existence of a statutory ground for termination in MCL 712A.19b has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). With regard to MCL 712A.19b(3)(g), the trial court found that respondent mother and respondent father had failed to provide proper care and custody of the minor child because of the child's traumatization under their care. The trial court also found that there was no reasonable expectation that respondent mother and respondent father would be able to provide proper care and custody within a reasonable time because both parents failed to acknowledge that they had traumatized their child. With regard to MCL 712A.19b(3)(j), the trial court found that there was a reasonable likelihood that the minor child would be harmed if she was returned to respondent mother and respondent father's home because of mental health disorders, substance abuse, and relationship problems. The trial court's findings were well supported by the record. The trial court did not clearly err in finding statutory grounds for termination under MCL 712A.19b(3)(g) and (j). MCR 3.977(K); *In re Trejo Minors*, 462 Mich at 356-357.

In reaching our conclusion, we reject respondents' argument that they should have been provided with visits after the child was prescribed Prozac at the end of June 2012. Apparently, respondents believe they could overcome the factors that supported termination after the child

was medicated. The fact that the minor child was then medicated, however, would not rectify the significant issues that respondents had failed to overcome.

Respondents also argue that the trial court erred in finding that petitioner made reasonable efforts to reunite respondent mother and respondent father with their child. This factual finding is reviewed under the clearly erroneous standard. MCR 3.977(K).

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, 67-69; 472 NW2d 38 (1991).

Here, the record reveals that respondents were offered extensive services from May 2011 until the end of June 2012. Petitioner filed a petition with the trial court asking it to terminate respondent mother and respondent father’s parental rights on July 5, 2012. “Services need not be provided where reunification is not intended.” *In re LE*, 278 Mich App at 21. Thus, because extensive services were offered before the petition to terminate was filed and no services were required after the petition was filed, the trial court’s finding that petitioner made reasonable efforts to avoid termination of parental rights in this case was not clearly erroneous. MCR 3.977(K).

Finally, respondents argue that the trial court erred in finding that termination of respondents’ parental rights was in the minor child’s best interests. A trial court’s finding that termination is in a child’s best interests is generally reviewed under the clearly erroneous standard. MCR 3.977(K); *In re Trejo Minors*, 462 Mich at 356-357.

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 child. MCL 712A.19b(5); *In re Beck*, 488 Mich 6, 11; 793 NW2d 562 (2010). Here, the minor child’s need for permanency was acknowledged by a series of witnesses at the termination hearing. The trial court properly relied on that need for permanence in determining the minor child’s best interests. *In re McIntyre*, 192 Mich App at 52. The trial court did not clearly err in finding that termination of respondent mother and respondent father’s parental rights was in the minor child’s best interests. MCR 3.977(K); *In re Trejo Minors*, 462 Mich at 356-357.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Peter D. O’Connell
/s/ Douglas B. Shapiro