

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JACOB WILLIAM KOEHN,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RHONDA MMARI,

Respondent-Appellant.

UNPUBLISHED

March 6, 2007

No. 272748

Eaton Circuit Court

Family Division

LC No. 03-014924-NA

Before: Servitto, P.J., and Talbot and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that she was denied her right to due process because appropriate services directed toward reunification were not offered. Generally, when a child is removed from the custody of the parents, petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan. MCL 712A.18f(1), (2), and (4). The reasonableness of services is relevant to the sufficiency of the evidence for termination of respondent's parental rights. See *In re Newman*, 189 Mich App 61, 66-69; 472 NW2d 38 (1991).

In the case at hand, respondent does not specify what additional services should have been offered to her. Respondent was referred to therapy and parenting skills training, anger management classes, and a psychological evaluation. Although respondent participated in such services, the caseworker opined that she had not benefited from these services. Given the numerous referrals respondent was given over the years, we believe that reasonable efforts were made to preserve the family. The question then is whether there was sufficient evidence on the record to support the trial court's decision to terminate respondent's parental rights.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court finds that petitioner established the existence of one or more statutory grounds for termination by clear

and convincing evidence, the trial court must terminate respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

Termination of respondent's parental rights was warranted under MCL 712A.19b(3)(c)(i), (g), and (j). The condition that led to adjudication was respondent's inability to care for her son, who had special needs. Despite respondent's participation in parenting classes and counseling sessions throughout the pendency of this case, respondent still was not able to care for her son at the time of the termination hearing. This Court has stated that it is not enough to merely go through the motions; a parent must benefit from the services so that she can improve parenting skills to the point where the child will no longer be at risk in the parent's custody. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). Thus, the trial court did not clearly err in finding that the condition that led to adjudication continued to exist. Given the amount of time respondent had to work on her parenting skills with her son, and her failure to benefit from such services during this time, the trial court did not clearly err in finding that the condition would not be rectified within a reasonable time considering the child's age.

The same evidence also supports the finding that respondent failed to provide proper care for her son in the past and did not benefit from the services offered so that she could improve her parenting skills to the point where she could provide proper care within a reasonable time. Respondent's son had significant behavioral problems. Respondent's failure to learn how to address her son's problems and effectively parent him posed a risk of harm to the child. Thus, termination was warranted under MCL 712A.19b(3)(g) and (j).

Respondent also contends that because she was a caring and loving mother, it was in the child's best interests to give her another opportunity to care for him. Although respondent loves her son, testimony revealed that there was not an emotional bond between respondent and her son. The psychiatrist, social worker, and caseworker all opined that termination of respondent's parental rights was in the child's best interests. The caseworker testified that this child needed a parent who could respond to his needs and his developmental delays. According to the psychiatrist, the child was getting the attention he needed within his foster placement. The record supports the trial court's finding that the evidence did not demonstrate that termination of respondent's parental rights was contrary to the child's best interests.

Affirmed.

/s/ Deborah A. Servitto
/s/ Michael J. Talbot
/s/ Bill Schuette