

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 27, 2012

In the Matter of E. HOWARD, Minor.

No. 308882
Berrien Circuit Court
Family Division
LC No. 2009-000093-NA

Before: M. J. KELLY, P.J., AND HOEKSTRA AND STEPHENS, JJ.

PER CURIAM.

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

The trial court did not clearly err by finding that petitioner had made reasonable efforts to reunify respondent with the minor child. *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005). The Department of Human Services (DHS) removed the minor child from respondent on August 4, 2009, and shortly thereafter established a service plan that referred respondent to numerous services, including psychological assessments and counseling. Respondent did not complete her service plan. Notably, respondent never followed through on DHS's referral for psychological assessments and did not complete her counseling program, but instead falsely informed DHS that she had been compliant with her service plan and had attended required psychological assessments and counseling. The trial court found that petitioner made reasonable efforts at reunification and terminated respondent's parental rights on January 31, 2012. Respondent's only argument on appeal is that petitioner did not make reasonable efforts at reunification because it knew that she claimed to suffer from bipolar disorder, yet did not provide her with services addressing her bipolar condition.

Although petitioner “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*, ___Mich App___; ___NW2d___ (Docket Nos. 307152, 307154, issued July 3, 2012), slip op at 3. Here, DHS referred respondent to services addressing her mental health, namely psychological assessments and counseling. Respondent failed to satisfy her “commensurate responsibility . . . to participate in the services that are offered,” particularly the services targeted at her mental health. Therefore, the trial court did not clearly err by finding that petitioner made reasonable efforts at reunification. *Id.*; *In re Fried*, 266 Mich App at 542-543.

Affirmed.

/s/ Michael J. Kelly

/s/ Joel P. Hoekstra

/s/ Cynthia Diane Stephens