

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
March 15, 2011

In the Matter of B. GROUT, Minor.

No. 300394
Oakland Circuit Court
Family Division
LC No. 10-768323-NA

Before: MURPHY, C.J., and STEPHENS and M.J. KELLY, JJ.

PER CURIAM.

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

We reject respondent's contention that the trial court clearly erred in finding that termination of her parental rights was in the best interests of the child. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to affirmatively find that termination is in a child's best interests before ordering termination. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). The issue is reviewed under the clearly erroneous standard. MCR 3.977(K).

In this case, the trial court properly found that termination of respondent's parental rights was in the child's best interests. Respondent first argues that no services were offered to her, but this argument is without merit. Reasonable efforts at reunification are unnecessary in a case like this where the aggravated circumstance of abandonment of a child is involved. MCL 712A.19a(2)(a); MCL 722.638(1)(a)(i); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re Rood*, 483 Mich 73, 118; 763 NW2d 587 (2009). Respondent does not challenge the trial court's ruling that termination of respondent's parental rights was proper under MCL 712A.19b(3)(a)(ii) and (k)(i), which address abandonment of a young child, nor are any of the other statutory grounds for termination challenged on appeal. The child's guardianship was terminated on February 3, 2010, when respondent's whereabouts were unknown. She failed to contact petitioner about her child, and her whereabouts did not become known until her arrest in July 2010.

Nevertheless, the record shows that petitioner did provide services to respondent. After the child was born testing positive for illegal drugs, petitioner offered respondent substance abuse treatment. Respondent was terminated from the PRISM program in January 2009 due to her lack of attendance and because she had positive drug screens. And it was the use of illegal drugs that was the chief problem in respondent's life. Further, while in jail, respondent

participated in a woman's support program and took classes toward a GED. Moreover, petitioner was unable to offer services while respondent's whereabouts were unknown.

Respondent also argues that she made sure her son was in proper custody under the guardianship of his maternal grandmother. Despite respondent's assertion, the maternal grandmother was not a suitable caregiver for the child. The guardianship was terminated, in part, because the grandmother allowed respondent to reside in her home despite a court order prohibiting respondent to have contact with the child. Also, respondent herself had been made a temporary court ward when her parents failed to protect her from sexual abuse, and the removal of the grandparents from CPS's central registry was likely done in error.

Finally, respondent argues that she began services on her own and had a financial plan in place for after her release from prison. However, respondent failed to show how her limited efforts undermined the trial court's finding that termination of parental rights was in the best interests of the child. Further, her plan to work after her release from jail was neither concrete nor reliable.

Moreover, given the child's special needs, a parent would need to be extensively involved in managing his medical care, and respondent is not capable of handling the level of commitment required for his care. Respondent had intellectual deficiencies and maladaptive behaviors that indicated poor adaptive functioning. She repeatedly became involved in unhealthy relationships involving domestic violence and was unable to recognize the abuse and neglect perpetrated by her own parents. Respondent's history demonstrated that she would not be able to protect her son from violence and abuse or provide for his physical and emotional needs. It was in the child's best interests to be with a caregiver who could prioritize his care and well-being over substance use or risk of arrest. Respondent had also not demonstrated an ability to refrain from using illegal drugs or to put her child's needs first. Her problems will require a great deal of treatment and are unlikely to improve in a short period of time. Moreover, there is no evidence that respondent had taken appropriate steps to address them. Therefore, the trial court did not clearly err in finding that termination of parental rights was in the child's best interests.

Affirmed.

/s/ William B. Murphy
/s/ Cynthia Diane Stephens
/s/ Michael J. Kelly