STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DANIELLE M. HORTON, SHAWN P. HORTON, DEANNA L. HORTON, CHEYENNE L. HORTON, and STEPHANIE L. BOLIN, Minors.

FAMILY INDEPENDENCE AGENCY

Petitioner-Appellee,

v

CHRISTINE M. HORTON,

Respondent-Appellant,

and

GARY LEE BOLIN, TIMOTHY E. HUBEL, and JOHN DOE,

Respondents.

UNPUBLISHED
March 3, 1998

No. 202592
Wayne Juvenile Court
LC No. 95-326839

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

PER CURIAM.

Respondent-appellant Christine M. Horton (hereinafter "respondent") appeals as of right from a juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(c)(i), (g), and (j), in accordance with the recommendation of a probate court referee. We affirm.

The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445

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* Circuit judge, sitting on the Court of Appeals by assignment.

NW2d 161 (1989). Further, respondent failed to show that termination of her parental

rights was clearly not in the children's best interest. *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent's parental rights to the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

We disagree with respondent's claim that she was not given a reasonable opportunity to demonstrate her parenting abilities, thereby likening this case to *In re Newman*, 189 Mich App 61; 472 NW2d 38 (1991). Unlike the situation in *In re Newman*, the facts of this case did not reveal that respondent had "demonstrated over the course of time an ability and willingness to learn[,]" that she was "very cooperative," or that she had already remedied several of the conditions mentioned in the original petition. *Id*. at 66.

Although the juvenile court erred when it stated that respondent did not participate in a drug assessment, the error was harmless because it is clear from the court's statements that alleged drug usage was not a factor in its decision to terminate parental rights.

Respondent does not cite any authority in support of her claim that she had a due process right to have the termination hearing conducted by the same referee who presided at the earlier review hearings. Also, respondent never objected to visiting Referee Schaerges presiding at the termination hearing. Therefore, this issue is not properly before this Court. *Speaker-Hines & Thomas, Inc v Dep't of Treasury*, 207 Mich App 84, 90; 523 NW2d 826 (1994). Cf. *People v Sanford*, 252 Mich 240, 246-247; 233 NW 192 (1930); *Clutton v Clutton*, 106 Mich 690, 691; 64 NW 744 (1895).

Respondent's last claim of error is premised on the assumption that the referee's written report and recommendation was "prepared and signed" by Chief Referee Thomas Doetsch, instead of Referee Schaerges. Contrary to what respondent argues, however, the record indicates that the written report was prepared by Referee Schaerges. Although Chief Referee Thomas Doetsch signed the report, he did so "for Referee Allen Schaerges." Accordingly, we find no error.

Affirmed.

/s/ Michael J. Kelly
/s/ E. Thomas Fitzgerald
/s/ Michael G. Harrison