

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of FANTASIA PIERCE, HANDSOME  
JACKSON, and TYRONE BISCH, JR., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHERRIE PIERCE,

Respondent-Appellant,

and

SHAUN BURCH, a/k/a SHON BURCH,  
a/k/a SHAWN BURCH, and TYRONE BISCH,

Respondents.

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In the Matter of HANDSOME JACKSON, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

THOMAS WYRICK,

Respondent-Appellant,

and

UNPUBLISHED

October 2, 1998

No. 206577

Muskegon Juvenile Court

LC No. 94-020943 NA

No. 208199

Muskegon Juvenile Court

LC No. 94-020943 NA

SHERRIE PIERCE,

Respondent.

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Before: Cavanagh, P.J., and Murphy and White, JJ.

PER CURIAM.

In Docket No. 206577, respondent Pierce appeals as of right from the juvenile court orders terminating her parental rights to her three minor children under MCL 712A.19b(3)(c)(i), (g) and (h); MSA 27.3178(598.19b)(3)(c)(i), (g) and (h). In Docket No. 208199, respondent Wyrick appeals as of right from the juvenile court order terminating his parental rights to his minor child under MCL 712A.19b(3)(g) and (h); MSA 27.3178(598.19b)(3)(g) and (h). We affirm.

The juvenile court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); MCR 5.974(I).

In Docket No. 206577, petitioner established by clear and convincing evidence that respondent Pierce, without regard to intent, failed to provide proper care or custody for her children and that there was no reasonable expectation that she would be able to do so within a reasonable time considering the ages of the children. MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We therefore find it unnecessary to determine whether the court erred in finding that termination was also warranted under MCL 712A.19b(3)(c)(i) and (h); MSA 27.3178(598.19b)(3)(c)(i) and (h).<sup>1</sup> See *In re Perry*, 193 Mich App 648; 484 NW2d 768 (1992). Further, respondent Pierce failed to show that termination of her parental rights was clearly not in the children's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hamlet (After Remand)*, 225 Mich App 505, 523; 571 NW2d 750 (1997). Thus, the juvenile court did not err in terminating respondent Pierce's parental rights to the three children.

In Docket No. 208199, petitioner also established by clear and convincing evidence that respondent Wyrick's length of incarceration would deprive his child of a normal home for a period exceeding two years, that respondent had not provided for the child's proper care and custody, and that there was no reasonable expectation that he would be able to do so within a reasonable time considering the age of the child. The evidence established grounds for termination under MCL 712A.19b(3)(g) and (h); MSA 27.3178(598.19b)(3)(g) and (h). Respondent Wyrick has also failed to show that termination of his parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hamlet (After Remand)*, *supra* at 523. Thus, the juvenile court did not err in terminating respondent Wyrick's parental rights to the child.

Finally, the juvenile court did not abuse its discretion in denying respondent Wyrick's request for an adjournment and continuance so that he could subpoena his parents as witnesses. *Soumis v Soumis*, 218 Mich App 27, 32; 553 NW2d 619 (1996). Respondent had waived notice of all hearings in this matter at an earlier proceeding. He cannot now claim lack of notice as grounds for adjournment. See *Bloesma v Auto Club Ins Ass'n (After Remand)*, 190 Mich App 686, 691; 476 NW2d 487 (1991).

Affirmed.

/s/ Mark J. Cavanagh

/s/ William B. Murphy

/s/ Helene N. White

<sup>1</sup> Accordingly, we also find it unnecessary to address respondent Pierce's claim that 182 days had not elapsed after the issuance of an initial dispositional order when the court terminated her parental rights as required by MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). Because we have concluded that termination was justified under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g), which imposes no such time requirement, any error that might have resulted by noncompliance with MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) was harmless.