STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of QUINETTA N. TYLER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TALISHA TYLER, a/k/a TALISHIA TYLER,

Respondent-Appellant,

and

THOMAS EUGENE FRAZIER,

Respondent.

UNPUBLISHED
February 9, 1999

No. 209547
Genesee Juvenile Court
LC No. 96-106391 NA

Before: Gribbs, P.J., and Saad and P.H. Chamberlain*, JJ.

PER CURIAM.

Respondent-appellant (hereinafter "respondent") appeals as of right from the juvenile court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (c)(ii), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (c)(ii), (g) and (j). We affirm.

The juvenile court did not clearly err in finding that respondent's attendance at Life Skills was irregular after she re-enrolled. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Next, respondent contends that too much weight was given to Dr. Sommerschield's written opinion that she had a guarded prognosis for parenting a child, due in part to the fact that she endorsed role reversals. Respondent claims that the juvenile court erred in its consideration of this evidence because there was no opportunity to cross-examine the doctor and because other testing indicated that she understood not to reverse family roles and that the court failed to consider this other testing. With

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

respect to the lack of opportunity for cross-examination, the record reveals no objection to the receipt of the evidence at the termination hearing, nor did respondent request an opportunity to cross-examine the doctor. Moreover, we disagree with respondent's claim that other testing contradicted Dr. Sommerschield's finding that she endorsed role reversal. Further, the record indicates that the court did consider the other testing. It was up to the trial court, as the finder of fact, to determine how much weight to accord the evidence. *In re Miller, supra* at 337.

We agree with respondent that the juvenile court clearly erred in stating that she was either late or failed to appear for her visits after they were reinstated. Nevertheless, we are satisfied that the error was harmless because it is clear that the juvenile court's decision to terminate parental rights was not based on this finding. *In re Perry*, 193 Mich App 648; 484 NW2d 768 (1992).

Finally, respondent claims that the juvenile court improperly shifted the burden of proof, requiring her to prove both that she had stable housing and a legal source of income. The burden is on the petitioner to prove a statutory ground for termination by clear and convincing evidence. *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). Here, it appears that the challenged statements were comments on the weight to be given petitioner's evidence, where no contradictory evidence was presented by respondent. In any event, even if the court did improperly shift the burden of proof with regard to these two matters, any error was harmless because it is clear from the record that respondent's parental rights were not terminated on the basis of her failure to obtain stable housing or a legal source of income. Rather, respondent's parental rights were terminated on the basis of the circumstances surrounding the initial abandonment of her daughter and her subsequent lack of interest as demonstrated by inconsistent visits. Accordingly, reversal is not warranted.

Affirmed.

/s/ Roman S. Gribbs
/s/ Henry William Saad
/s/ Paul H. Chamberlain