

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of CARLOS DANIEL TORRES, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICIA DALY and CARLOS ALBERTO  
TORRES,

Respondents-Appellants.

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UNPUBLISHED

March 26, 1999

No. 212573;212672

Wayne Circuit Court

Family Division

LC No. 95-334316

Before: O'Connell, P.J., and Jansen and Collins, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from a family court order terminating their parental rights to the minor child under MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent Torres' claim that the family court lacked jurisdiction because it did not first find at a separate jury trial or plea proceeding that the child was neglected, MCR 5.973(A), has been waived because respondent did not challenge below the procedure by which the court determined that it had jurisdiction, *McCready v Hoffius*, 222 Mich App 210, 218; 564 NW2d 493 (1997), rev'd on other gds 459 Mich 131 (1998), and because respondent waived his right to a jury trial and agreed to have the issue of jurisdiction decided by the referee at the hearing. *Phinney v Perlmutter*, 222 Mich App 513, 537, 544; 564 NW2d 532 (1997). In any event, the allegations in the petition and the court's finding of probable cause clearly established that the court did have subject matter jurisdiction, and that jurisdiction was not affected by any procedural errors that may have occurred. *In re Hatcher*, 443 Mich 426, 437; 505 NW2d 834 (1993).

The family court did not clearly err in finding that at least one statutory ground for termination was established by clear and convincing evidence with respect to both respondents.<sup>1</sup> *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). In addition, both respondents failed to show that termination of their parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5). Therefore, the family court did not err in terminating respondents' parental rights to the child. *In re Hall-Smith, supra*.

Affirmed.

/s/ Peter D. O'Connell

/s/ Kathleen Jansen

/s/ Jeffrey G. Collins

<sup>1</sup> At a minimum, the court did not clearly err in finding that § 19b(3)(j) was established with respect to respondent Torres and that § 19b(3)(g) was established with respect to respondent Daly.