

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CARDELL FREDERICK IRVING,
II, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CARDELL IRVING,

Respondent-Appellant,

and

MARIE HURT IRVING,

Respondent.

UNPUBLISHED
April 6, 2001

No. 227721
Wayne Circuit Court
Family Division
LC No. 98-366872

In the Matter of CARDELL FREDERICK IRVING,
II, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARIE HURT IRVING,

Respondent-Appellant,

and

CARDELL IRVING

No. 227822
Wayne Circuit Court
Family Division
LC No. 98-366872

Respondent.

Before: Talbot, P.J., and Sawyer and F.L. Borchard*, JJ.

PER CURIAM.

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

I

Respondent Cardell Irving contends that the trial court failed to comply with MCR 5.971(B)(4), which requires the court to advise a respondent that a plea of admission can be used to terminate parental rights. This issue is not preserved for appeal because respondent did not move to withdraw his plea of admission in the family court and did not challenge the referee's order in the trial court. *In re Zelzack*, 180 Mich App 117, 126; 446 NW2d 588 (1989); MCR 5.991(B)(3). In any event, we find that the trial court's statements adequately informed respondent that his admissions could lead to termination of his parental rights if he failed to comply with the trial court's terms and conditions for the child's return.

II

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Furthermore, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra* at 356-357. Thus, the family court did not err in terminating respondents' parental rights to the child.

Affirmed.

/s/ Michael J. Talbot

/s/ David H. Sawyer

/s/ Fred L. Borchard

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