

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.C., M.C., M.C., A.C., and W.C.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROY A. PENNY, JR.,

Respondent-Appellant,

and

SHEILA PENNY,

Respondent.

In the Matter of A.C., M.C., M.C., A.C., and W.C.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DOUG SOOTSMAN,

Respondent-Appellant,

and

SHEILA PENNY,

Respondent.

UNPUBLISHED

May 17, 2002

No. 236530

Kalamazoo Circuit Court

Family Division

LC No. 92-000059-NA

No. 236531

LC No. 92-000059-NA

In the Matter of A.C., M.C., M.C., A.C., and W.C.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

No. 236532
LC No. 92-000059-NA

SHEILA PENNY,

Respondent-Appellant,

and

ROY A. PENNY, JR., DOUG SOOTSMAN,
ROBERT PALMER, and CHUCK SNYDER,

Respondents.

Before: Owens, P.J., and Markey and Murray, JJ.

PER CURIAM.

In these consolidated appeals, respondents Roy Penny, Sheila Penny, and Doug Sootsman appeal as of right from the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i)¹ and (j). We affirm.

The trial court did not err in exercising jurisdiction over respondents Sootsman and Roy Penny once it acquired jurisdiction over the children pursuant to respondent Sheila Penny's plea of admission to the initial petition. "[O]nce the family court acquires jurisdiction over the children, MCR 5.973(A) authorizes the family court to hold a dispositional hearing 'to determine measures to be taken . . . *against any adult* . . .'" *In re CR*, ___ Mich App ___; ___ NW2d ___ (Docket No. 228856, issued February 26, 2002), slip op at 10, quoting MCR 5.973(A) (emphasis in the original). The FIA was not obligated to allege and demonstrate by a preponderance of legally admissible evidence that respondents Sootsman and Roy Penny were abusive or neglectful within the meaning of MCL 712A.2(b) before the court could enter a dispositional order that would control their conduct, including ultimately terminating their parental rights. *Id.*, slip op at 10, 12.

¹ Section 19b(3)(c)(i) is applicable only to respondent Sheila Penny.

The trial court did not clearly err in finding that § 19b(3)(j) was established by clear and convincing evidence with respect to respondents Sootsman and Roy Penny. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Additionally, the evidence did not show that termination of Sheila Penny's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating her parental rights to the children.

Affirmed.

/s/ Donald S. Owens

/s/ Jane E. Markey

/s/ Christopher M. Murray