

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TACARRI MILTON FLOYD,
HIKIEMA DE-ALE FLOYD, BRIONNA
SHAMONE ANTHONY, and ALAINA
KIMBERLY ANTHONY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RHONDA A. FLOYD-ANTHONY,

Respondent-Appellant.

UNPUBLISHED
February 2, 2010

No. 293311
Oakland Circuit Court
Family Division
LC No. 99-628068-NA

Before: Donofrio, P.J., and Meter and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g) (failure to provide proper care or custody) and (i) (parental rights to the child's sibling(s) have been terminated due to serious and chronic neglect and attempts to rehabilitate the parents were unsuccessful). Because respondent waived the issue of sufficiency of the evidence by pleading no contest to both jurisdiction and the statutory grounds for termination, and, because the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests, we affirm.

Although respondent challenges the sufficiency of the evidence as it relates to the statutory grounds for termination, we conclude that this issue has been waived. Respondent entered a plea of no contest to both jurisdiction and the statutory grounds for termination. She only contested below whether termination of her parental rights was in the children's best interests. A party cannot stipulate to a matter and then argue on appeal that the resulting action was error. *Chapdelaine v Sochocki*, 247 Mich App 167, 177; 635 NW2d 339 (2001). Similarly, "[a] party may not take a position in the trial court and then seek relief based on a position contrary to that taken in the trial court." *Holmes v Holmes*, 281 Mich App 575, 587-588; 760 NW2d 300 (2008).

Further, because the evidence demonstrates that respondent has been struggling to overcome a drug abuse problem for over 30 years, that she has no significant parenting skills, and that she is without any means of support, the trial court did not clearly err in finding that

termination of her parental rights was in the children's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Pat M. Donofrio

/s/ Patrick M. Meter

/s/ Christopher M. Murray