

STATE OF MICHIGAN  
COURT OF APPEALS

---

UNPUBLISHED  
December 28, 2010

In the Matter of D. N. MOORE and J. MOORE,  
Minors.

No. 298008  
Macomb Circuit Court  
Family Division  
LC No. 2010-000200-NA

---

Before: DONOFRIO, P.J., and CAVANAGH and FITZGERALD, JJ.

PER CURIAM.

Respondent-mother appeals as of right from a circuit court order adjudicating the minor children temporary wards of the court pursuant to their father's no-contest plea to a petition requesting that the court exercise jurisdiction over the children pursuant to MCL 712A.2(b). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

After the trial court authorized the petition, respondent requested a jury trial on the issue of jurisdiction. At the pretrial hearing, however, the children's father offered a no-contest plea, MCR 3.971, pursuant to which the court exercised jurisdiction over the children. Respondent contends that the trial court violated her statutory and constitutional rights by depriving her of custody of her children without a separate hearing.

Initially, we observe that respondent did not preserve this issue by objecting to the trial court's failure to conduct a separate adjudicatory hearing with respect to the allegations against her. See *Miller-Davis Co v Ahrens Constr, Inc*, 285 Mich App 289, 298; 777 NW2d 437 (2009). When an issue is unpreserved, "review is limited to determining whether a plain error occurred that affected substantial rights." *In re Egbert R Smith Trust*, 274 Mich App 283, 285; 731 NW2d 810 (2007).

MCL 712A.2(b) grants a court jurisdiction over a child under 18 years of age if the child's parent is neglectful as defined in § 2(b)(1), or has failed to provide a fit home as defined in § 2(b)(2). *In re AMB*, 248 Mich App 144, 167; 640 NW2d 262 (2001). Generally, the determination whether allegations in a petition are true, thus allowing the court to exercise jurisdiction, is made from the respondent's admissions to the allegations in the petition, from evidence providing a factual basis for the assumption of jurisdiction if the respondent pleads no contest, or from evidence introduced at a trial if the respondent contests jurisdiction. MCR 3.971; MCR 3.972; MCR 3.973(A); *In re PAP*, 247 Mich App 148, 152-153; 640 NW2d 880 (2001). The court rules provide a right to a trial on the allegations in the petition. MCR 3.965(B)(6); MCR 3.972. The law further provides a right to a jury at the trial. MCL

712A.17(2); MCR 3.911(A). Once jurisdiction is obtained, the case proceeds to disposition to determine what is to be done with the child. MCL 712A.18; MCR 3.973. But because the court's jurisdiction is "tied to the children," the petitioner is not required to "sustain the burden of proof at an adjudication with respect to every parent of the children involved in a protective proceeding before the family court can act in its dispositional capacity." *In re CR*, 250 Mich App 185, 205; 646 NW2d 506 (2002). Once a court acquires jurisdiction by virtue of one parent's plea or trial, it can enter an order of disposition against both parents, regardless of the evidence against the other parent. *Id.* at 202-203. Thus, as long as the allegations against the parent who entered the plea indicate that he or she "committed an act or omission that would bring the children within the jurisdiction of the court" under § 2(b), *In re SLH*, 277 Mich App 662, 670; 747 NW2d 547 (2008), "[t]he court need not separately ascertain whether it has jurisdiction over each parent." *In re LE*, 278 Mich App 1, 17; 747 NW2d 883 (2008).

In this case, the trial court acquired jurisdiction over the children pursuant to the father's plea. Respondent was not entitled to a separate adjudication. Accordingly, there was no plain error.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Mark J. Cavanagh  
/s/ E. Thomas Fitzgerald