

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY WATKINS and JODI
WATKINS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHAMROCK WATKINS and STACEY
WATKINS,

Respondents-Appellants.

UNPUBLISHED

December 11, 1998

No. 207342

Midland Juvenile Court

LC No. 95-009350 NA

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Respondents appeal as of right a juvenile court order terminating their parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), and (g); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii), and (g). We affirm.

The juvenile court did not abuse its discretion in denying respondent father's motion to withdraw his no contest plea. *In re Zelzack*, 180 Mich App 117, 126; 446 NW2d 588 (1989). The record shows that the court adequately explained the consequences of the no contest plea to respondent father, thereby negating any claim that there was an error in the plea proceeding. MCR 6.311(B). This is particularly true in light of the fact that respondent father was represented by counsel and that respondent father and counsel conferred about the no contest plea. Furthermore, respondent father has failed to establish that withdrawal of the plea would be in the interest of justice. MCR 6.310(B).

Next, respondents argue that the juvenile court erred in terminating their parental rights. We disagree. With respect to respondent father, the evidence reveals that Ashley had been sexually abused by respondent father. Respondent father repeatedly denied the sexual abuse allegations, thereby

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

showing a lack of remorse or rehabilitation. He also failed to stop drinking alcohol, which resulted in violent behavior toward respondent mother and others, and to comply with the court's orders requiring his attendance at individual counseling and sexual abuse counseling and to refrain from contacting respondent mother and the children.

With respect to respondent mother, the evidence showed that she was incapable of staying away from respondent father and keeping the children away from respondent father, despite his physically abusing her and sexually abusing Ashley. Respondent mother lied about her contact with respondent father during the proceedings and, without regard to intent, failed to provide proper care or custody for the children. There is a reasonable likelihood that the children would suffer further abuse or injury in the future if left in respondent mother's care because of her continued contact with respondent father. Further, respondent mother repeatedly moved during the proceedings, indicating her continuing failure to maintain a stable home for the children.

Based on the facts of this case, the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondents failed to show that termination of their parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondents' parental rights to the children. *Id.*

We affirm.

/s/ Stephen J. Markman
/s/ Richard A. Bandstra
/s/ John F. Kowalski