

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EATHAN¹ DOUGLAS
HAILSTONES, ALEXANDER JAMES
HAILSTONES, and KORY LEE HAILSTONES,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LORI HAILSTONES,

Respondent-Appellant,

and

BRIAN HAILSTONES,

Respondent.

Before: McDonald, P.J., and Sawyer and Collins, JJ.

PER CURIAM.

Respondent-appellant Lori Hailstones ("respondent") appeals as of right from a family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

Although the statutory grounds for termination were not explicitly stated on the record, the trial court's findings of fact and conclusions of law made it clear that the court was relying on §§ 19b(3)(c)(i), (g) and (j) as the statutory grounds for termination of parental rights. Cf. *In re Toler*, 193 Mich App 474, 476; 484 NW2d 672 (1992). Moreover, the trial court did not clearly err in

finding that these statutory grounds were established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); MCR 5.974(I). The record does not indicate that respondent substantially complied with the terms of her treatment plan and the trial court properly could consider respondent's lack of compliance in terminating her parental rights. *In the Matter of Mason*, 140 Mich App 734, 737; 364 NW2d 301 (1985). Although respondent argues that the record does not show that she would be unable to care for at least the youngest of the three minor children, given that he does not have the health problems that the older two have, we note that respondent's treatment plan addressed issues beyond those involved with the older boys' health problems, and we are satisfied that respondent did not make the progress in treatment necessary to support the return of even one of the boys to her care.

We disagree with respondent's claim that the trial court improperly weighed the advantages of the children's foster home against her own home. Statutory grounds for termination of parental rights must be established without regard to any alternative home that may be available to the children. *In re Hamlet (After Remand)*, 225 Mich App 505, 520; 571 NW2d 750 (1997). Here, the trial court's comments regarding the medical, physical, and emotional progress that the children made in foster care were made in the context of illustrating the lack of proper care that they received while in respondent's custody. This was a proper consideration under § 19b. The trial court did not improperly compare the respective homes in this case.

Finally, respondent claims that the trial court erred in admitting evidence at the termination hearing regarding events that predated the filing of the petition in June 1997, which included allegations of neglect or abuse beyond those admitted by respondent at the adjudicative stage. We review the court's decision to admit evidence at a termination hearing for an abuse of discretion. *In re Hill*, 221 Mich App 683, 696; 562 NW2d 254 (1997).

Respondent only challenged this evidence on the ground that it was irrelevant. However, we conclude that the evidence was relevant to issues in this case. As the trial court explained, it needed to understand all of the background facts of this case, including facts that predated the filing of the petition, to understand the children's needs, to determine how much progress respondent made on her treatment plan, and to determine whether the conditions that caused the minor children to be placed in foster care had been or could be rectified within a reasonable time. It is clear from the record that the depth of harm caused in this case went far beyond respondent's admission at the adjudicative hearing that she temporarily could not care for the children. In order for the court to make a fair decision, it needed to understand the full background of this case. Therefore, we find that the trial court's admission of the challenged evidence was not an abuse of discretion.

Affirmed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Jeffrey G. Collins

¹ On the order terminating parental rights, the oldest child's name is spelled "Eathan." However, this appears to be a typographical error. On the initial petition and medical records, the child's name is spelled "Ethan."