STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SHANE GRUMMET, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner -Appellee,

v

BRIDGET SPRAGUE,

Respondent -Appellant,

and

STEVEN GRUMMET,

Respondent.

UNPUBLISHED
December 5, 2000

No. 222229
Ionia Circuit Court
Juvenile Division
LC No. 97-000197-NA

In the Matter of CATERINA GRUMMET, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRIDGET SPRAGUE,

Respondent-Appellant,

and

STEVEN GRUMMET,

Respondent.

No. 222334
Ionia Circuit Court
Juvenile Division
LC No. 97-000244-NA

In the Matter of ZACHARY WILLIAMSON,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRIDGET SPRAGUE,

Respondent-Appellant,

and

MICHAEL WILLIAMSON,

Respondent.

No. 222335
Ionia Circuit Court
Juvenile Division
LC No. 98-000134-NA

Before: Holbrook, Jr., P.J., and Sawyer and Zahra, JJ.

PER CURIAM.

This consolidated appeal comes before this Court by grant of respondent-appellant's applications for delayed leave to appeal from the juvenile court's orders terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (ii), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i) and (ii), (g), and (j).[1] We affirm.

Respondent-appellant first argues that the trial court abused its discretion in denying her motion for mistrial. We disagree. We will not reverse a trial court's decision to grant or deny a motion for mistrial absent an abuse of discretion resulting in a miscarriage of justice. *Persichini v William Beaumont Hospital*, 238 Mich App 626, 635; 607 NW2d 100 (1999), citing *Schutte v Celotex Corp*, 196 Mich App 135, 142; 492 NW2d 773 (1992). While questioning a witness at the termination hearing in the present case, the trial court indicated it believed respondent-appellant was pregnant. Respondent-appellant moved for a mistrial, claiming the court made that assumption without any evidentiary basis. In ruling on the motion, the court acknowledged that it "came to a false conclusion in observing [respondent-appellant] through the last several days,

[1] Termination under §§ 19b(3)(c)(i) and (ii) only applied to Zachary, while §§ 19b(3)(g) and (j) applied to all three children.

that I thought perhaps she was pregnant . . . I don't know whether she is or not, in fact." The trial court made no further mention of whether respondent-appellant was pregnant or whether she was involved in a relationship directly prior to or during the termination hearing. In particular, the trial court did not indicate that any of its factual findings or conclusions of law were based on the belief that respondent-appellant was pregnant. Given that there is no indication the trial court's initial belief that respondent-appellant was pregnant affected its ultimate decision regarding termination and given that there was substantial evidence supporting termination, the trial court's decision on the motion for mistrial was not an abuse of discretion resulting in a miscarriage of justice. *Persichini, supra*.

Respondent-appellant also argues that the trial court erred in terminating her parental rights to the children because there was not clear and convincing evidence supporting termination. We disagree. We review a trial court's decision to terminate parental rights under the clearly erroneous standard. MCR 5.974(I); *In re Cornet*, 422 Mich 274, 277; 373 NW2d 536 (1985). A trial court's specific findings are also reviewed for clear error. MCR 2.613(C). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with the definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). We are required to give regard to the special ability of the trial court to judge the credibility of the witnesses before it. MCR 2.613(C); *In re Miller, supra*.

After reviewing the record in the present case, we conclude that the trial court did not clearly err in finding that termination was warranted under §§ 19b(3)(c)(i) and (ii), (g), and (j). The evidence suggested respondent-appellant was unable to adequately protect the children from physical and emotional harm during times the children were in her custody. Although there was no evidence that respondent-appellant, herself, physically harmed the children, it was apparent that she allowed respondent Grummet to have contact with the children after Grummet admitted he slapped Zachary and after the circumstances suggested Grummet was responsible for Zachary's broken leg. It was also evident that respondent-appellant allowed her boyfriend, Joseph Lathrop, to have contact with Shane and Zachary even after she was informed of criminal sexual conduct allegations against Lathrop. Moreover, the overwhelming evidence suggested respondent-appellant did not benefit from services aimed, in part, at helping her to protect her children. Respondent-appellant completed a six-session parenting class and a short stress management class. However, FIA caseworkers and service providers testified that the children remained at risk if returned to respondent-appellant's care because respondent-appellant had failed to apply the parenting skills she had been taught and failed to participate in and benefit from other necessary services. Caseworkers who observed visits between respondent-appellant and the children opined that respondent-appellant was unable to provide proper discipline, structure, and consistency. There was also testimony that respondent-appellant felt she did not need to improve her ability to protect the children and did not need the services offered by the FIA. Testimony from the children's foster parents and respondent Williamson suggested each of the children was physically and socially underdeveloped when first placed in foster care.

Additionally, two psychologists opined that respondent-appellant would not be able to properly care for her children without years of intense therapy.[2] Although respondent-appellant engaged in some counseling and one witness testified that respondent-appellant may be able to learn to properly care for her children within three months, we will not second guess the trial court's ability to judge the credibility of the witnesses before it. MCR 2.613(C); *In re Miller*, *supra*. Evidence that respondent-appellant attempted and threatened suicide in the presence of her children suggested she was unable to protect the children from emotionally harmful situations. Given those circumstances, the trial court did not clearly err in finding termination appropriate.

Respondent-appellant's arguments challenging several of the trial court's specific findings lack merit. There was testimony that respondent-appellant strongly resented the FIA's involvement in removing her children from her custody, threatened one caseworker, and did not believe that she needed the services offered by the FIA. Therefore, it was not clear error for the trial court to find that respondent-appellant did not want to listen to caseworkers and rejected caseworkers. Given the substantial evidence suggesting respondent-appellant had not acquired skills necessary to enable her to properly care for her children, the trial court also did not clearly err in finding that respondent-appellant had not advanced toward meeting the goals of her parent/agency treatment plan. We further conclude that the trial court did not err in excluding testimony regarding alleged sexual abuse the children suffered while in foster care. Even assuming the alleged abuse hindered respondent-appellant's relationships with the children, there was sufficient evidence that respondent-appellant had not benefited from services aimed at helping her implement appropriate parenting techniques and helping her improve her psychological well-being.[3] The record does not support respondent-appellant's claim that the trial court specifically found that she "hated" the court.

We decline to consider respondent-appellant's constitutional challenge to § 19b(3)(j) given that she has not cited any legal authority to support her position. An appellant may not merely announce her position and leave it to this Court to discover or rationalize the basis for her claims, *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998), nor may the appellant give issues cursory treatment with little or no citation of supporting authority. *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984); *Community National Bank v Michigan Basic Property Ins Ass'n*, 159 Mich App 510, 520-521; 407 NW2d 31 (1987); see MCR 7.212(C)(7).

Last, respondent-appellant argues that the trial court erred in finding termination was in the children's best interests. If a statutory ground for termination of parental rights is established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interest. MCL 712A.19b(5); MSA

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[2] Given that evidence, we reject respondent-appellant's claim that the trial court clearly erred in determining that respondent-appellant could not rectify her conditions within a reasonable time.

[3] We further note that respondent-appellant was not prejudiced by the exclusion of the testimony. Testimony regarding the alleged sexual abuse was introduced at a prior dispositional hearing. Consequently, the trial court was aware of the alleged abuse and, presumably, was also aware of the psychological trauma such abuse would likely cause.

27.3178(598.19b)(5); MCR 5.974(E)(2); *In re Trejo*, 462 Mich 341, 354, 364-365; ___ NW2d ___ (2000).[4] It is apparent from our review of the record that respondent-appellant made minimal improvements and that the children would likely suffer harm if returned to her care. The trial court did not err in determining termination was in the children's best interests. Respondent-appellant's argument that the trial court did not adequately consider the best interests of each child is not supported by the record.

Affirmed.

/s/ Donald E. Holbrook, Jr.
/s/ David H. Sawyer
/s/ Brian K. Zahra

[4] Our Supreme Court recently clarified that § 19b(5) does not impose any additional burden of production on a respondent parent. *In re Trejo, supra* at 365.