

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of A.D.R., J.R., and C.N., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARIO RODRIGUEZ,

Respondent-Appellant,

and

DOLORES CHAVEZ and CONSTANTINO NINO,

Respondents.

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In the Matter of A.D.R., J.R., C.N., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DOLORES CHAVEZ,

Respondent-Appellant,

and

MARIO RODRIGUEZ and CONSTANTINO  
NINO,

Respondents.

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UNPUBLISHED  
February 23, 2001

No. 221980  
Wayne Circuit Court  
Family Division  
LC No. 98-366870

No. 222062  
Wayne Circuit Court  
Family Division  
LC No. 98-366870

Before: Meter, P.J., and Neff and O'Connell, JJ.

PER CURIAM.

In these consolidated appeals, respondents Mario Rodriguez and Dolores Chavez appeal as of right the termination of their parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g) and (j). We affirm.

The family court did not clearly err in finding that §§ 19b(3)(c)(i), (g) and (j) were each established by clear and convincing evidence with respect to respondent Rodriguez. MCR 5.974; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Because only one statutory ground is required to support an order terminating parental rights, we need not consider whether termination was warranted under § 19b(3)(a)(ii).

We reject respondent Rodriguez' claim that relief is warranted because the court suspended his visitation until he complied with the parent-agency agreement. *In re Prater*, 189 Mich App 330, 333; 471 NW2d 658 (1991). Respondent Rodriguez did not raise this issue in the trial court, and it is apparent from the record that Rodriguez' parental rights were properly terminated for reasons independent of the suspension of visitation. Further, Rodriguez' claim that the lack of visitation resulted in the breakdown of the bond between parent and child is disingenuous in light of the evidence that Rodriguez attended less than a third of his available visits and then frequently left after only a few minutes of the few visits that he did attend.

Finally, we conclude that respondent Chavez has not shown that she was denied her right to due process where her attorney arrived after the start of the first termination hearing proceeding. *In re Brock*, 442 Mich 101, 111; 499 NW2d 752 (1993). She did not raise this issue below, and so it is unpreserved. Respondent Chavez must show that she suffered plain error that affected her substantial rights. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999). The record indicates, and the trial court expressly found, that the testimony during counsel's absence related solely to respondent Rodriguez. Moreover, counsel for respondent Chavez had the opportunity between the two termination hearing proceedings to review the record of the missed testimony and could have asked to recall the witness in question if there were any questions or concerns, but declined to do so. Under the circumstances, respondent Chavez has not established that she suffered plain error that affected a substantial right.

Affirmed.

/s/ Patrick M. Meter  
/s/ Janet T. Neff  
/s/ Peter D. O'Connell