

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.P., a Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALISA PATTERSON,

Respondent-Appellant,

and

DORIAN GIBBS,

Respondent.

UNPUBLISHED

July 6, 2001

No. 230406

Kent Circuit Court

Family Division

LC No. 96-032302-NA

Before: Neff, P.J., and Doctoroff and Wilder, JJ.

MEMORANDUM.

Respondent Alisa Patterson¹ appeals as of right from an order of the Kent Circuit Court, Family Division, terminating her parental rights to her child D.P. (born 2/24/99) pursuant to MCL 712A.19(b)(3)(c)(i), and (g); MSA 27.3178(598.19b)(3)(c)(i), and (g). We affirm.

Respondent first argues that the trial court should not have accepted her admission to the allegations in the termination petition or her plea of no contest to termination of her parental rights because she did not have sufficient mental capacity to voluntarily or knowingly make the admission and plea. However, respondent failed to preserve the issue of her mental capacity by raising it at the trial court level. *People v Grant*, 445 Mich 535, 546; 520 NW2d 123 (1994). In addition, respondent failed to properly brief this issue, offering only cursory arguments without

¹ The court also terminated the parental rights of the respondent putative father, Dorian Gibbs. He has not appealed the termination. For purposes of this opinion, the term respondent will be used to refer to Alisa Patterson.

citation to authority or significant facts supporting her claim. Respondent may not merely announce a position and leave it to this Court to discover and rationalize the basis for her claims. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998).

Even if we were to overlook respondent's failure to properly preserve and present this issue, her claim that she lacked the requisite mental capacity is without merit. Respondent participated extensively in this case, including her own testimony at one of the review hearings, and there was no indication that she did not understand the nature or purpose of the proceedings or was unable to assist her counsel in representing her. Further, both respondent's counsel and her guardian ad litem testified at the termination hearing that respondent knowingly and voluntarily admitted to the allegations and entered the plea. Finally, upon questioning by the court, respondent stated that she understood what was happening at the termination proceeding. It is apparent that respondent had sufficient ability to consult with her lawyer with a reasonable degree of rational understanding and had a rational and factual understanding of the proceedings against her. *People v Belanger*, 73 Mich App 438, 447; 252 NW2d 472 (1977). See also MCL 330.2020(1); MSA 14.80(1020)(1).

Respondent also argues that the allegations in the petition were not sufficient to justify termination of her parental rights and the trial court erred when it concluded that termination was supported by clear and convincing evidence. We disagree. A family court must order termination of parental rights if the court finds that the petitioner has proven one or more grounds for termination by clear and convincing evidence, unless there is clear evidence, on the whole record, that termination is not in the child's best interests. *In re Trejo Minors*, 462 Mich 341, 352, 364-365; 612 NW2d 407 (2000); MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Here, petitioner alleged that respondent (1) failed to complete her parent/agency agreement, (2) had intellectual limitations and personality disorders that were an obstacle to regaining custody, (3) lived in two residences within a one-year period with a succession of both male and female roommates, (4) displayed inappropriate and inattentive behavior during visitations, (5) did not understand that her child had special needs, (6) was unable to participate in her child's physical therapy, (7) did not demonstrate any skills acquired from her parenting classes, (8) did not cooperate with a substance abuse evaluation, and (9) was charged with felony assault for threatening neighborhood children with knives. These allegations, which respondent admitted, constituted clear and convincing evidence that respondent "without regard to intent, fail[ed] to provide proper care or custody for the child" and "there is no reasonable expectation that [respondent] will be able to provide proper care and custody within a reasonable time considering the child's age." MCL 712A.19(b)(3)(g); MSA 27.3178(598.19b)(3)(g). Because at least one ground for termination of respondent's parental rights was proven by clear and convincing evidence, the trial court did not err in concluding that termination was justified.

Affirmed.

/s/ Janet T. Neff
/s/ Martin M. Doctoroff
/s/ Kurtis T. Wilder