

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.T., A.T., and A.T., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEBORAH REESE,

Respondent-Appellant,

and

CHRISTOPHER TURPEN,

Respondent.

In the Matter of M.T., A.T., and A.T., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTOPHER TURPEN,

Respondent-Appellant,

and

DEBORAH REESE,

Respondent.

UNPUBLISHED

February 5, 2002

No. 234176

Washtenaw Circuit Court

Family Division

LC No. 97-024616-NA

No. 234519

Washtenaw Circuit Court

Family Division

LC No. 97-024616-NA

Before: Sawyer, P.J., and O'Connell and Zahra, JJ.

MEMORANDUM.

In these consolidated appeals, respondent mother appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g), and respondent father appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (b)(i), (g), and (j). We affirm in both cases. This case is being decided without oral argument pursuant to MCR 7.214(E).

We have carefully reviewed the lower court record and conclude that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of each respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

In Docket No. 234519, respondent father argues that he is entitled to a new termination hearing because a referee who presided over a permanency planning hearing on September 30, 1999, had previously appeared in the case as a prosecutor for the Family Independence Agency in October 1997. Respondent father failed to properly preserve this issue for appellate review by moving to disqualify the referee pursuant to MCR 2.003. *Meagher v Wayne State Univ*, 222 Mich App 700, 725; 565 NW2d 401 (1997). Because he has failed to show that he was prejudiced by plain error in this regard, reversal is not required on this basis. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999). In sum, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed in both cases.

/s/ David H. Sawyer
/s/ Peter D. O'Connell
/s/ Brian K. Zahra