

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SARAH PLACE and  
BELLEDONNA PLACE, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SARAH PLACE,

Respondent-Appellant.

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UNPUBLISHED  
December 14, 2004

No. 256363  
Muskegon Circuit Court  
Family Division  
LC No. 98-025457

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children, apparently under MCL 712A.19b(3)(h) and (j). We affirm. This case is being decided without oral argument under MCR 7.214(E)

Respondent argues that her due process right to confrontation was violated when the trial court considered the testimony of her daughter from the permanent wardship trial of the children's father when neither respondent mother or her attorney were present.

The trial court's findings of fact are short and it is not clear whether the trial court considered the daughter's testimony. However, even if the trial court considered this testimony, any error would be harmless where at least one ground for termination was established by clear and convincing evidence without the testimony at issue. *In re Powers*, 244 Mich App 111, 118; 24 NW2d 472 (2000); MCR 2.613(A). The trial court did not clearly err in finding that petitioner established MCL 712A.19b(3)(h) by clear and convincing evidence where respondent testified that she had been sentenced to 5½ to twenty-five years' imprisonment, no arrangements had been made to provide proper care and custody to the children, and there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time considering the children's ages.

Affirmed.

/s/ Jane E. Markey  
/s/ E. Thomas Fitzgerald  
/s/ Donald S. Owens