

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SAMANTHA HARLESS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TINA HARLESS,

Respondent-Appellant.

UNPUBLISHED

December 22, 2005

No. 263025

Macomb Circuit Court

Family Division

LC No. 04-056491-NA

Before: Owens, P.J., and Saad and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order taking jurisdiction over the minor child. We affirm.

The “family court has subject-matter jurisdiction when the allegations in the petition provide probable cause to believe that it has statutory authority to act because the child’s parent or guardian neglected the child, failed to provide a fit home, or committed any of the other conduct described in” MCL 712A.2(b). *In re AMB*, 248 Mich App 144, 168; 640 NW2d 262 (2001). The family court also has jurisdiction in certain circumstances where a child has been placed with a guardian. MCL 712A.2(b)(3)-(5). The court can acquire jurisdiction when the factfinder determines by a preponderance of the evidence at trial that the allegations in the petition establish that the child comes within the statutory requirements of MCL 712A.2(b). *In re Brock*, 442 Mich 101, 108-109; 499 NW2d 752 (1993); MCR 3.972(C)(1). Alternatively, the court can acquire jurisdiction when a respondent enters a plea of admission or no contest to the allegations in the petition. MCR 3.971(A), (C)(2). “A trial court’s determination regarding the existence of subject-matter jurisdiction is a question of law that this Court reviews de novo.” *In re Martin*, 237 Mich App 253, 255; 602 NW2d 630 (1999).

The family court assumed jurisdiction over the child after the respondent-father pleaded no contest to the allegations in the petition relating to him. Because the family court’s jurisdiction is “tied to the children,” petitioner is not required to “sustain the burden of proof at an adjudication with respect to every parent of the children involved in a protective proceeding before the family court can act in its dispositional capacity.” *In re CR*, 250 Mich App 185, 205; 646 NW2d 506 (2002). Once the court acquires jurisdiction by virtue of one parent’s plea or trial, it can enter an order of disposition against both parents regardless of the evidence against

the other parent. *Id.* at 202-203. Having acquired jurisdiction over the child by virtue of the respondent-father's plea, the family court was not required to hold an adjudicatory hearing as to respondent.

Respondent's reliance on *In re Bechard*, 211 Mich App 155; 535 NW2d 220 (1995), is misplaced. In that case, the court assumed jurisdiction on the stipulation of the mother. This Court ruled that the mother's " 'consent to jurisdiction' or plea, cannot give the court jurisdiction with regard to the claims against" the father because "the petition seeking termination of [the father's] parental rights did not allege neglect or abuse on" the part of the mother, who thus "had nothing to plead to" *Id.* at 160-161. In this case, the petition alleged bases for jurisdiction under MCL 712A.2(b) relating to both parents, and thus provided a basis for assuming jurisdiction if the facts alleged against respondent-father were substantiated.

Affirmed.

/s/ Donald S. Owens
/s/ Henry William Saad
/s/ Karen M. Fort Hood