

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TORRIE BELL and JAVON
BATTLE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LINDA M. LADACH,

Respondent-Appellant,

and

TIRNEY BELL,

Respondent.

UNPUBLISHED

October 3, 2006

No. 267074

Wayne Circuit Court

Family Division

LC No. 01-397541-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

PER CURIAM.

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

Respondent first argues that petitioner did not make reasonable efforts to reunite her with her children pursuant to MCL 712A.19. Contrary to respondent's position, MCL 712A.19 does not contain any requirement that the petitioner make reasonable efforts to reunite a parent with a child in foster care or relative placement. Moreover, even assuming that there were such a statutory requirement, petitioner in this case adopted a service plan and specifically referred respondent to services. In short, petitioner was not required to take steps toward reunification of respondent with the minor children in this case. Respondent's failure to rectify the conditions that led to adjudication was not caused by petitioner's failure to make reasonable efforts toward reunification.

Respondent next challenges the trial court's findings with respect to MCL 712A.19b(3)(c)(i) and (g).¹ Respondent contends that because she substantially complied with the treatment plan, the trial court clearly erred in terminating her parental rights under these subsections. We disagree.

To terminate parental rights, a trial court must find that at least one of the statutory grounds contained in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). Once this has occurred, the trial court must terminate parental rights unless it finds that termination is clearly contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, *supra* at 356-357.

At the time the petition was filed in this case, the evidence showed that respondent was neglectful of her minor children, allowing them to wander unsupervised at the same time as she was unaware of their whereabouts. The petition alleged that respondent's boyfriend had committed domestic violence in respondent's home, and had attempted to strike at least one of respondent's children. It also alleged that respondent's home was not clean or suitable for raising children. The minor children's grandmother testified that respondent's boyfriend had physically abused the children, and stated that the police had been called on at least one occasion as a result of domestic violence between respondent and her boyfriend. Respondent testified that at the time of the termination hearing, her boyfriend no longer came to the house. However, certain evidence tended to contradict this testimony. In addition, respondent had completed a parenting class. However, according to the foster care worker's testimony, respondent had not benefited from the class. The testimony showed that even after attending the class, respondent slapped her young son in the face during a Clinic for Child Study evaluation. This testimony, coupled with the strong evidence that respondent still lacked suitable housing more than four years after the first petition was filed, supports the trial court's finding in this case. We find no clear error in the trial court's determination that the statutory grounds of MCL 712A.19b(3)(c)(i) and (g) were established by clear and convincing evidence. For the same reasons, we find no error in the trial court's finding that termination was not clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 354.

Respondent next contends that her due process rights were denied because the trial court refused to allow her therapist to testify by speakerphone, pursuant to a request made by counsel on the second day of trial. Respondent also contends that the trial court violated her due process rights when it denied her request for a recess, which was intended to allow the therapist to testify in person. Respondent failed to raise this due-process argument below, and thus failed to preserve it for review. *In re Hildebrant*, 216 Mich App 384, 389; 548 NW2d 715 (1996). We review unpreserved claims of constitutional error for outcome-determinative plain error. *Id.*

¹ Respondent's appeal brief does not address the trial court's findings with respect to MCL 712A.19b(3)(c)(ii) and (j). Accordingly, appellate review of the trial court's findings under (c)(ii) and (j) is necessarily precluded. *Muci v State Farm Mut Auto Ins Co*, 267 Mich App 431, 443 n 8; 705 NW2d 151 (2005).

Respondent gives this issue only cursory treatment, and cites no relevant legal authority. A mere statement with no citation to controlling legal authority is insufficient to bring an issue before this Court. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998). Nevertheless, even if this issue were properly before us, we would be compelled to reject respondent's cursory argument. Respondent does not identify what testimony her therapist would have offered. Nor does respondent identify how the therapist's testimony would have altered the result of the proceedings. Therefore, respondent cannot demonstrate that the trial court's refusal to admit the therapist's testimony constituted plain error that affected her substantial rights. *In re Hildebrant*, *supra* at 389. Quite simply, there is no evidence before us that the therapist's testimony would have changed or otherwise influenced the outcome reached by the trial court.

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Jessica R. Cooper