

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 13, 2011

In the Matter of WOLVERTON/SMITH, Minors.

No. 303480
Oakland Circuit Court
Family Division
LC No. 08-746522-NA

Before: MURPHY, C.J., and TALBOT and MURRAY, JJ.

PER CURIAM.

Respondent appeals of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

This Court reviews the trial court's findings of fact in termination proceedings for clear error. MCR 3.977(K); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5).

The trial court did not clearly err when it terminated respondent's parental rights subsequent to respondent's plea to the supplemental petition. In her plea, respondent acknowledged her lengthy history of failing to provide for her children, that the court had ordered her to comply with a treatment plan, and that after 16 months she had made minimal progress. Further, part of her plea was that there was no reasonable likelihood that she would be able to provide proper care and custody for her children in a reasonable amount of time and that the children were likely to be harmed if returned to her home.

After making her plea, respondent requested a best-interest hearing. The trial court asked whether respondent needed to describe the plea, and respondent's attorney answered in the negative. The trial court asked whether all parties were satisfied with the plea, and the attorneys for all parties answered in the affirmative. The guardian ad litem stated that the facts were sufficient to support termination of respondent's parental rights to the minor children. Respondent signed a formal plea to the supplemental petition to terminate her parental rights.

The trial court did not state on the record or in writing its findings of fact pursuant to MCR 3.977(I). The facts pleaded to by respondent, however, provide clear and convincing evidence to terminate respondent's parental rights pursuant to MCL 712A.19b(3). "An error in

the admission or the exclusion of evidence, an error in a ruling or order, or an error or defect in anything done or omitted by the court or by the parties is not ground for granting a new trial, for setting aside a verdict, or for vacating, modifying, or otherwise disturbing a judgment or order, unless refusal to take this action appears to the court inconsistent with substantial justice.” MCR 2.613(A); see also MCR 3.902(A). Based on the facts respondent admitted in her plea, this Court does not find that refusal to reverse the trial court’s decision is inconsistent with substantial justice. Any error the trial court made in failing to make further specific factual findings on the record is harmless and is not ground for this Court to reverse the order terminating respondent’s parental rights. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2 472 (2000).

The trial court also did not clearly err in its best-interest determination. The trial court looked at the totality of the circumstances, which revealed that respondent’s history with Children’s Protective Services dated back to 2006, when the children were living in unsanitary, bug infested, filthy conditions. The evidence supported a finding that respondent failed to appropriately address her substance abuse issues and demonstrated poor decisions and lack of impulse control with relationships, living arrangements, domestic violence, and criminal activity. At the time of the best-interest hearing, she still lacked appropriate housing or employment. She was living with a substance/alcohol abuser, and her alternative plan for housing was with her mother who had been violent toward respondent in front of the minor children. The minor children deserved a safe and stable home, and respondent was unable to provide them with even the most basic of needs despite numerous services to address her issues over the course of many years.

Affirmed.

/s/ William B. Murphy
/s/ Michael J. Talbot
/s/ Christopher M. Murray