STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
November 15, 2011

In the Matter of DAVIDSMEYER/ALBRIGHT, Minors.

No. 304707
Berrien Circuit Court
Family Division
LC No. 2010-000025-NA

Before: JANSEN, P.J., and SAWYER and SHAPIRO, JJ.

PER CURIAM.

Respondent C. Cox appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(*i*), (g), and (j). We affirm.

To the extent respondent challenges the validity of her no contest plea for purposes of jurisdiction, the issue has not been preserved because respondent did not raise it in the trial court. *Keenan v Dawson,* 275 Mich App 671, 681; 739 NW2d 681 (2007). Therefore, "review is limited to determining whether a plain error occurred that affected substantial rights." *In re Egbert R Smith Trust,* 274 Mich App 283, 285; 731 NW2d 810 (2007), aff'd 480 Mich 19 (2008). Although the trial court did not advise respondent of the consequences of her plea orally on the record, it provided the requisite advice "in a writing that is made a part of the file," MCR 3.971(B), and the court ascertained that respondent had reviewed the form and understood everything on it. Respondent has thus failed to demonstrate any error on this point.

Further, the trial court did not clearly err in finding that the statutory grounds for termination had been proven by clear and convincing evidence. *In re Trejo,* 462 Mich 341, 355-357; 612 NW2d 407 (2000); MCR 3.977(H)(3)(a) and (K). The children came into care primarily because the family was living in squalor and respondent did not see that as a problem. Respondent was provided with multiple services to enable her to maintain suitable, sanitary housing, but continued to live in a house strewn with animal feces, rotting food, and garbage. She had no restrictions on her time and no physical disabilities that prevented her from cleaning up the house, yet she did little to rectify the situation. In fact, the conditions of the house actually deteriorated over time, becoming even more filthy and infested with vermin. Respondent later moved to Illinois to be with a new boyfriend and made no further efforts toward reunification.

Contrary to what respondent argues, petitioner was not required to prove long-term neglect as held in *Fritts v Krugh,* 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other

grounds in *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993), and *In re Schmeltzer*, 175 Mich App 666, 676; 438 NW2d 866 (1989), which relied on *Fritts*. The *Fritts* decision predates the enactment of § 19b(3), which now sets forth the criteria for termination. The trial court did not clearly err in finding that the evidence supported termination under §§ 19b(3)(c)(*i*), (g), and (j).

Although respondent correctly asserts that her parental rights are constitutionally protected, see *In re Brock*, 442 Mich 101, 109; 499 NW2d 752 (1993), because petitioner presented clear and convincing evidence establishing a basis for termination under MCL 712A.19b(3), respondent's liberty interest in the custody and control of her child was eliminated. *In re Trejo*, 462 Mich at 355-356.

Finally, given the circumstances under which the children entered foster care, respondent's failure to demonstrate any benefit from services, the fact that respondent had no source of income with which to support the children, and that respondent essentially abandoned the children in favor of her new boyfriend, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357.

Affirmed.

/s/ Kathleen Jansen
/s/ David H. Sawyer
/s/ Douglas B. Shapiro