

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of REGNIER, Minors.

UNPUBLISHED

July 23, 2013

No. 313657

Tuscola Circuit Court

Family Division

LC No. 10-010036-NA

Before: BORRELLO, P.J., and JANSEN and M. J. KELLY, JJ.

PER CURIAM.

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

At the time petitioner initiated these proceedings, respondent was residing in Florida and the children were living with their father, in what petitioner described as deplorable conditions. The trial court removed the children from their father's care on the day the petition was filed. He pleaded to several of the allegations in the petition, and the court assumed jurisdiction over the children. After several review hearings, petitioner requested that the trial court terminate respondent's parental rights. The court ultimately found that there existed clear and convincing evidence to establish the statutory grounds for termination of respondent's parental rights. The court also found that termination of respondent's parental rights was in the children's best interests.

Respondent argues that the trial court improperly excluded certain pieces of evidence that it should have considered before deciding whether the statutory grounds for termination were satisfied. First, respondent moved to admit evidence that she completed a "Love and Logic" parenting class in 2003. The trial court refused respondent's request, finding that "something she did almost a decade ago" was irrelevant. Next, respondent's former apartment manager attempted to testify that respondent kept her home in good condition from 2004 through 2007. Considering that the children were not removed until 2010, the trial court excluded this testimony as irrelevant. Finally, respondent sought to introduce the testimony of a teacher at the Tuscola Intermediate School District concerning the condition of her home in 2009. Again, the trial court excluded the testimony as irrelevant.

In child-protective proceedings, the trial court's evidentiary rulings are reviewed for an abuse of discretion. *In re Jones*, 286 Mich App 126, 130; 777 NW2d 728 (2009). We cannot conclude that the trial court abused its discretion by excluding these three pieces of evidence. Evidence is relevant only if it makes the existence of a fact of consequence more or less

probable. MRE 401. Any testimony concerning the conditions in respondent's home prior to 2010 could not possibly pertain to whether respondent has been able to effectively address the conditions that led to adjudication in 2010. See MCL 712A.19b(3)(c)(i). With respect to MCL 712A.19b(3)(c)(ii), the trial court was focused on respondent's July 2011 psychological evaluation. But again, even assuming the evidence respondent sought to introduce was credible, it could not have established that respondent has effectively dealt with the problems identified in the petition.

MCL 712A.19b(3)(g) and MCL 712A.19b(3)(j) pertain to a respondent's current ability to provide necessary care and custody, and to provide safe home. Because the evidence in question related only to respondent's parenting abilities and the conditions of her home prior to 2010, it was not relevant to whether the statutory grounds had been satisfied in this case. The trial court did not abuse its discretion by excluding these pieces of evidence.

Respondent also argues that the trial court failed to make sufficient findings on the record regarding the children's best interests. When deciding whether termination is in the best interests of the minor children, the court must consider the record as a whole. See *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Among other things, the court should consider a respondent's parenting ability as well as the children's need for permanency, stability, and finality. *In re Olive/Metts Minors*, 297 Mich App 35, 42; 823 NW2d 144 (2012).

The trial court more than adequately expressed its findings. In its written opinion, under the subheading "Best Interest," the court specifically stated that the children "need permanency and a safe environment where they can grow, develop," and not be subject to abuse and neglect. The trial court found no reasonable likelihood that the children would be able to return to respondent's care in the foreseeable future. In addition, the court found that respondent had refused to acknowledge her problems, which "makes it impossible for the children to be safe if they maintain any contact with her." Lastly, the court determined that "based on the continuing record," respondent is "unable to be a minimally adequate parent."

A trial court's findings need not be exhaustive. Instead, "[b]rief, definite, and pertinent findings and conclusions on contested matters are sufficient," without overelaboration of detail or particularization of facts. MCR 3.977(I)(1); see also MCR 2.517(A)(2). The trial court's findings concerning the children's best interests were more than sufficient, and we perceive no clear error in the court's best-interests determination under MCL 712A.19b(5). MCR 3.977(K).

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Michael J. Kelly