STATE OF MICHIGAN

COURT OF APPEALS

FREDERICK G. WANDRON,

Plaintiff–Appellee,

v

CHRISTIE M. WANDRON,

Defendant–Appellant.

UNPUBLISHED
April 19, 1996

No. 178763
LC No. 91-071927-DM

Before: Hood, P.J., and Young and T.L. Brown,* JJ.

PER CURIAM.

Defendant appeals as of right from the circuit court order modifying custody of the minor children. We affirm.

I

Defendant first argues that the court erred by concluding that no established custodial environment existed. We disagree. The evidence presented at trial established that during the period between February 1992 and June 1994, defendant and the children resided in at least five different places with four different friends or boyfriends. The family remained at each location for periods of approximately four to nine months before relocating. At one point, in June 1994, defendant had no place to live, so the children stayed with her during the day and with plaintiff at night. Many other people were relied upon to care for the children. The children stayed with so many different people that they did not look to defendant for guidance, discipline, the necessities of life, and parental comfort. MCL 722.27(1)(c); MSA 25.312(7)(1)(c). The court's finding was not against the great weight of the evidence. MCL 722.28; MSA 25.312(8); *Fletcher v Fletcher*, 447 Mich 871, 876-877; 526 NW2d 889 (1994).

II

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* Circuit Judge, sitting on the Court of Appeals by Assignment

Defendant argues that hearsay testimony was improperly allowed into evidence, but has not identified the specific testimony. The issue is ordinarily waived by defendant's failure to identify the specific testimony in her brief on appeal. *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Nonetheless, we located that testimony during our review of the record. Plaintiff's new wife testified that the seven-year-old boy told her that defendant had left the five-year-old daughter home alone while defendant dropped the son off at a T-ball (baseball) game. Defendant's mother testified similarly, and said she had confronted defendant about the incident. Both witnesses admitted on cross-examination that they did not personally witness the child being left alone, and defendant testified that a friend was watching the child. The court noted that it did not base its findings on any inadmissible or "questionable" evidence. In light of the overwhelming evidence in support of the court's ultimate decision to change custody, any error was cured or was harmless.

III

Defendant also challenges several other factual findings under MCL 722.23; MSA 25.312(3) and argues that the decision to change custody was an abuse of discretion. We have reviewed the record and find no error. The court's conclusion that plaintiff has a greater capacity and disposition to give love, affection, and guidance is amply supported by the record (factor B). While plaintiff had less time with the children than defendant, during that time he demonstrated a greater capacity on this factor.

The court failed to make findings on factor C (the capacity and disposition of the parties to provide food, clothing, medical care, and other material needs). Given the disparity of the parties' income, though, we find this factor clearly weighs in plaintiff's favor. Thus, we find no reason to remand for clarification.

The court's findings on factor D (stable satisfactory environment) was not erroneous. Although defendant argues that she lived in only three locations *since the divorce*, the court's findings focused on the number of residences since the parties separated. For similar reasons, we find the court's finding on factor E amply supported by the record. Defendant lived with a variety of people in a short period of time. In contrast, the plaintiff has settled into a more permanent home.

Defendant argues that the court failed to make findings on factor F (moral fitness) but implied that defendant lacks moral fitness due to numerous relationships of cohabitation. While the existence of unmarried cohabitation does not, standing alone, constitute immorality, *Truitt v Truitt*, 172 Mich App 38, 46; 431 NW2d 454 (1988), we find no error in the court's conclusion that the number of relationships, the speed with which defendant moved in with boyfriends, and her resulting pregnancy all affected her moral fitness. *Helms v Helms*, 185 Mich App 680, 684-685; 462 NW2d 812 (1990).

As to factor G (mental and physical health of the parties), the court did not err by recognizing what appeared to be an alcoholic and co-dependent relationship on defendant's part.

The court's findings as to factor J (willingness and ability to facilitate and encourage close and continuing relationship with other parent) also is not against the great weight of the evidence. Defendant threatened to deny plaintiff visitation so she could satisfy her own needs.

Defendant argues that the court erred by finding in favor of plaintiff on factor K (domestic violence), yet she did not refute plaintiff's evidence of violence.

Finally, factor L (other factors) weighed slightly in favor of plaintiff.

In light of these findings and the remaining findings uncontested on appeal, the circuit court did not abuse its discretion by changing custody to the plaintiff. *Fletcher*, 447 Mich at 880-881.

Affirmed.

/s/ Harold Hood
/s/ Robert P. Young, Jr.
/s/ Thomas L. Brown