STATE OF MICHIGAN

COURT OF APPEALS

RANDY WILLIAM BONDY,

Plaintiff-Appellee,

v

LAURA KATHLEEN GILMORE,

Defendant-Appellant.

UNPUBLISHED
September 24, 1996

No. 186617
LC No. 94-2408-DP

Before: Michael J. Kelly, P.J., and O'Connell and K.W. Schmidt,* JJ.

PER CURIAM.

Defendant appeals as of right the order of the circuit court granting custody of the party's child to plaintiff and limiting defendant to one afternoon per month of visitation. We affirm.

Defendant first contends that the trial court erred in its evaluation of the best interests of the child when determining to whom custody should be awarded. Pursuant to MCL 722.23; MSA 25.312(3), the court must consider the best interests of the child when making a custody determination. The statute provides that the phrase "best interests of the child" denotes the sum total of the following factors:

> (a) The love, affection, and other emotional ties existing between the parties involved and the child.
>
> (b) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.
>
> (c) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.

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* Circuit judge, sitting on the Court of Appeals by assignment.

(d) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.

(e) The permanence, as a family unit, of the existing or proposed custodial home or homes.

(f) The moral fitness of the parties involved.

(g) The mental and physical health of the parties involved.

(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preferences.

(j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents.

(k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.

(l) Any other factor considered by the court to be relevant to particular child custody dispute.

When reviewing an order directing custody, we will affirm "unless the trial judge made findings of fact against the great weight of the evidence or committed a palpable abuse of discretion or a clear legal error on a major issue." MCL 722.28; MSA 25.312(8).

In the present case, we find no errors warranting reversal. Our review of the record indicates that, with respect to factors (a), (b), (c), (e), (f), (g), (j), and (k), the findings of the circuit court were not against the great weight of the evidence. With respect to factor (d), defendant correctly notes that there was no evidence supporting the court's finding that the child had lived with plaintiff since she was two months old. Rather, the evidence indicates that plaintiff had custody of the child since she was three and one-half months old. However, given the relatively insignificant nature of this error and the fact that the overwhelming weight of the evidence pertaining to the remaining factors supports the court's disposition, we find the error to have been harmless. See *Fletcher v Fletcher*, 447 Mich 871, 882, 889; 526 NW2d 889 (1994).

Defendant also argues that the circuit court improperly analyzed factor (f), which addresses the moral fitness of the parties. Defendant submits that the court erred by failing to state how defendant's pervasive mendaciousness affected her parenting ability. While it is true that the court did not thoroughly explore this area when discussing factor (f), our review of the record reveals that the court did explain, when discussing factor (l), that defendant's prevarication would hamper her ability to instill honesty in the child. Therefore, the court did address how defendant's behavior would detract from her

parenting ability, albeit in its discussion of factor (l) rather than in its discussion of factor (f). Thus, we hold that if error did occur, it was harmless. *Id*.

Turning, then, to the limited visitation granted defendant, we find no error. This Court reviews de novo the ultimate decision of the circuit court with respect to visitation, but will not reverse such an order unless the circuit court made findings of fact against the great weight of the evidence, committed a palpable abuse of discretion, or committed clear legal error. *Deal v Deal*, 197 Mich App 739, 741; 496 NW2d 403 (1993). The controlling factor when awarding visitation is the best interests of the child. *Id*. The court must consider, *inter alia*, the likelihood of abuse or neglect during visitation, the possibility that the parent might detain the child or conceal the child from the other parent, and any other relevant factor. MCL 722.27a(6); MSA 25.312(7a)(6).

Here, evidence was presented that defendant might injure or abscond with the child; that defendant had abused another child; and that defendant was resistant to any type of relationship with plaintiff, whether that relationship was her own or the child's. While defendant was awarded very little visitation, "judges have no right to sentimentalize or flinch in these situations, much less experiment or take risks with the children involved." *Bowler v Bowler*, 355 Mich 686, 694-695; 96 NW2d 129 (1959). Therefore, in light of the facts of the present case, we affirm.

Affirmed.

/s/ Michael J. Kelly
/s/ Peter D. O'Connell
/s/ Kenneth W. Schmidt