

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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UNPUBLISHED  
October 5, 2010

In the Matter of MORAN, Minors.

No. 296834  
Oakland Circuit Court  
Family Division  
LC No. 08-749039-NA

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Before: GLEICHER, P.J., and ZAHRA and K. F. KELLY, JJ.

PER CURIAM.

In these consolidated appeals, respondent parents appeal as of right from an order terminating their parental rights to the three minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (l). We affirm.

**I. BASIC FACTS**

The children came to the attention of the Department of Human Services (DHS) when 11-year-old T.D.M. reported that respondent father and her paternal uncle had sexually abused her and that respondents had physically abused her.<sup>1</sup> The next day, DHS filed a termination petition, to which respondents pleaded no contest, which included the following allegations: (1) T.D.M.'s allegations of sexual abuse; (2) in 2000, four of respondent mother's children were the subject of a neglect proceeding because of respondent mother's homelessness, transience, inadequate income, physical and verbal abuse, and inadequate parenting skills; (3) respondent mother's parental rights to three of her children were terminated in 2002 and since then, respondents have had two more children and have been referred to DHS at least five times; (4) in

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<sup>1</sup> Respondent mother has given birth to a total of nine children, but only three of them are at issue in this appeal.

2006, T.D.M. disclosed physical abuse and neglect; her teeth were rotten and she had not received medical care; (5) and, witnesses indicated that they had observed respondent mother physically abuse the children.

Before entering their no contest pleas, both respondents were warned that their pleas would result in a finding that the allegations were true. Each respondent acknowledged that he or she was voluntarily and knowingly entering a no contest plea. After accepting their pleas, the trial court held a best interests hearing at which it terminated respondents' rights to the minor children.

## II. ANALYSIS

Respondents argue that the trial court erred by terminating their parental rights to the minor children. We review the trial court's findings in a termination proceeding under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). "A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989) (citation and quotation marks omitted). Termination of parental rights requires a finding that at least one of the statutory grounds under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re B and J*, 279 Mich App 12, 18; 756 NW2d 234 (2008). If the statutory grounds for termination are established, the trial court must then order termination of parental rights if termination is in the child's best interests. MCL 712A.19b(5).

### A. STATUTORY GROUNDS FOR TERMINATION

Respondent mother argues that the trial court erred by finding that the statutory grounds for termination existed. She concedes that she pleaded no contest to allegations in the petition as they pertain to MCL 712A.19b(3)(l), but asserts that the petition's other allegations as they relate to MCL 712A.19b(3)(b)(ii), (j), and (g) are unsupported by clear and convincing evidence. After our review of the record, we agree that respondent pleaded no contest to the petition's allegations only as they pertain to MCL 712A.19b(3)(l). However, nothing in the record suggests that her plea was involuntarily or unknowingly given and respondent mother does not argue as such on appeal. Further, given respondent mother's no contest plea, the trial court did not err by concluding that a statutory ground for termination, MCL 712A.19b(3)(l), had been established by clear and convincing evidence. Respondent mother has presented this Court with no basis on which to set aside the trial court's determination, or to otherwise set aside her no contest plea to MCL 712A.19b(3)(l). Only one statutory ground need be proven in support of an order to terminate parental rights. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). Thus, this claim of error fails.<sup>2</sup>

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<sup>2</sup> We note, however, that the trial court's opinion and order lists additional statutory grounds for terminating respondent mother's parental rights, including MCL 712A.19b(3)(b)(i), (g), and (j). This is a perplexing outcome, given that the remainder of the proceedings after respondents' pleas focused on the children's best interests, not on whether additional statutory grounds for  
(continued...)

## B. BEST INTERESTS

Both respondents argue that the trial court erred by determining that termination of their rights was in the children's best interest. We disagree. Respondent father conceded that he physically and sexually abused T.D.M. when he entered his no contest plea. Clearly, termination of his rights was in the children's best interests. With regard to respondent mother, her testimony and psychological evaluation revealed that she did not believe that respondent father had engaged in any abusive behavior, which, as the trial court indicated, suggests that respondent mother would expose the children to future harm at the hands of their father. The psychological examination further revealed that respondent mother had inadequate parenting skills and suffered from lack of insight as to how her judgment affects her children's development and that she is not likely to make any significant changes in the foreseeable future. Moreover, respondent mother, since the termination of her rights to three other children, has failed to establish adequate housing, employment, healthcare for her children, or a safe and stable environment free from abuse. In short, nothing in the record, aside from respondents' own testimonies, supports a finding that a continued relationship with respondents would be beneficial to the children. The children were entitled to permanence and stability, neither of which respondents could provide. Termination was in the children's best interests. The trial court did not err by terminating respondents' parental rights.

Affirmed.

/s/ Elizabeth L. Gleicher  
/s/ Brian K. Zahra  
/s/ Kirsten Frank Kelly

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(...continued)

termination existed. Thus, the trial court's findings as to these other statutory grounds, which respondent mother did not enter a plea to, was error to the extent that no clear and convincing evidence supported those finding. Nonetheless, because one ground for termination was established, any such error was harmless and does not form a basis for relief.