

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of QUASANN LETIKIA HUMPHREY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHEILA MARIE HUMPHREY,

Respondent-Appellant,

and

HENRY MANCE WARREN, JR.,

Respondent.

UNPUBLISHED

October 27, 2000

No. 223556

Wayne Circuit Court

Family Division

LC No. 80-219077

Before: Griffin, P.J., and Cavanagh and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent maintains that judicial bias of the referee violated her right to due process. At a minimum, in order to preserve an issue of alleged judicial bias based on judicial conduct, the party claiming bias must object to the trial court's conduct during trial or otherwise raise the issue below. *Illes v Jones Transfer Co*, 213 Mich App 44, 56 n2, 60; 539 NW2d 382 (1995); *Meagher v Wayne State University*, 222 Mich App 700, 725; 565 NW2d 401 (1997). Respondent-appellant never objected to the manner or extent of the referee's questioning of witnesses, or the conduct of the referee in general. Therefore, respondent-appellant has not preserved her claim of judicial bias.

Moreover, the record does not support respondent-appellant's claim. A party challenging a judge for bias must overcome a heavy presumption of judicial impartiality. *Cain v Dep't of Corrections*, 451 Mich 470, 495; 548 NW2d 210 (1996). Although favorable or unfavorable predisposition that occurs as a result of facts or events occurring in the trial proceeding may deserve to be characterized as "bias" or "prejudice," these opinions will not constitute a basis for disqualification "unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Cain, supra* at 496, citing *Liteky v United States*, 510 US 540, 551; 114 S Ct 1147, 1155; 127 L Ed 2d 474 (1994). In the instant case, respondent-appellant has not presented any evidence or identified any specific examples of conduct by the trial court that would rise to this level.

Finally, the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 355-356; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Affirmed.

/s/ Richard Allen Griffin
/s/ Mark J. Cavanagh
/s/ Hilda R. Gage