

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RALPH HORTON,

Respondent-Appellant,

and

JACQUELINE METZGER,

Respondent.

UNPUBLISHED

October 29, 2002

No. 239167

Shiawassee Circuit Court

Family Division

LC No. 00-009404-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent Horton appeals by right from a circuit court order terminating his parental rights to the minor child. We affirm.

When respondent appeared for the hearing on the supplemental petition seeking termination of his parental rights, he agreed to enter a plea of no contest to the petition, following which the court entered an order terminating his parental rights. Respondent now challenges the procedure and lack of specific findings by the trial court.

Respondent does not dispute the court's right to take a plea to a supplemental petition for termination. However, he contends that the court erred in failing to comply with the procedure set forth in MCR 5.971(B). We disagree. MCR 5.971 by its terms governs pleas of admission or no contest to the court's jurisdiction over the child. The court's jurisdiction over the child was not at issue and thus the court rule was inapplicable.

Respondent also contends that the court erred in terminating his parental rights because it failed to make findings of fact establishing a statutory basis for termination of his parental rights or that termination was in the child's best interests. By entering a no contest plea, respondent

consented to the termination of his parental rights, and thus the court was not required to make specific findings. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992). Therefore, any error in the court's order as to the specific allegations in the petition supporting termination was harmless.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra