

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANNA MARIE RICE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUNSHINE JO RICE,

Respondent-Appellant,

and

TONY LYNN HISSEL,

Respondent.

UNPUBLISHED
December 16, 2004

No. 255978
Branch Circuit Court
Family Division
LC No. 03-002577-NA

Before: Murphy, P.J., White and Kelly, JJ.

PER CURIAM.

Respondent Sunshine Jo Rice appeals as of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(c)(i), (g), and (j).¹ We affirm.

Respondent first argues that the trial court's failure to make a specific finding whether or not the evidence established that termination was clearly not in the child's best interests warrants reversal of the termination order. We disagree.

Under MCL 712A.19b(5), a trial court shall order termination of parental rights once it finds that the statutory grounds for termination exist, unless the child's best interests clearly indicates otherwise. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). The trial court "shall state on the record or in writing its findings of fact and conclusions of law with respect to whether or not parental rights should be terminated." MCL 712A.19b(1); MCR 3.977(H)(1).

¹ Respondent Tony Lynn Hissel's parental rights were also terminated by the trial court but he is not a party to this appeal.

“Brief, definite, and pertinent findings and conclusions on contested matters are sufficient.” MCR 3.977(H)(1). Findings of fact are sufficient if “it appears that the trial court was aware of the issues in the case and correctly applied the law, and where appellate review would not be facilitated by requiring further explanation.” *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 176-177; 530 NW2d 772 (1995).

Although respondent correctly notes that the trial court did not specifically address the best interests inquiry in its findings made on the record or in its written opinion, we nonetheless conclude that the trial court’s findings were sufficient. The primary issue in this case was respondent’s inability to care for herself or her child. The court specifically found that respondent required continued assistance, was not able to care for herself, and “certainly” did not have the ability to care for a baby. It is apparent that the trial court was aware of the contested factual issues in the case and resolved them. *Triple E Produce, supra* at 176-177. It is also apparent that further explication by the trial court would not facilitate our review of this matter, because the evidence, which overwhelmingly established the statutory grounds for termination, failed to establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. The factual findings made by the trial court were more than adequate to inform respondent of the basis of its decision and any further explanation by the trial court would not facilitate our review. MCR 3.977(H)(1); *Triple E Produce, supra* at 176-177.² Accordingly, remand of this case to the trial court is not required.

Respondent next claims that the court’s failure to hold a hearing on the supplemental petition within forty-two days as required by MCR 3.977(G)(1)(b) mandates reversal of the termination order. We disagree. While it is undisputed that the trial court failed to conduct a termination hearing within the time limitations imposed by the court rule, within the forty-two day time limitation, respondent’s trial counsel stipulated to the adjournment of the termination hearing. “A party cannot stipulate a matter and then argue on appeal that the resultant action was error.” *Chapdelaine v Sochocki*, 247 Mich App 167, 177; 635 NW2d 339 (2001). Moreover, this Court will not impose sanctions for the trial court’s failure to adhere to its time limitations. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993).

We decline to address respondent’s argument that she was deprived of her opportunity to cross-examine a psychologist because the issue was not properly presented for our review. *McGoldrick v Holiday Amusements Inc*, 242 Mich App 286, 298; 618 NW2d 98 (2000)

² We reject respondent’s argument that the trial court failed to make a finding that petitioner established the statutory grounds for termination by clear and convincing evidence because the trial court stated on the record that in order to terminate parental rights “it must be established by clear and convincing evidence that the statutory criteria set forth in the petition has been established and than found “that the statutory criteria has been met.”

Affirmed.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Kirsten Frank Kelly