

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
March 13, 2012

In the Matter of SHAFFER Minors.

No. 305570
Grand Traverse Circuit Court
Family Division
LC No. 10-002963-NA

Before: METER, P.J., and FITZGERALD and MARKEY, JJ.

PER CURIAM.

Respondent N. Shaffer appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Although respondent contends that “a number of the facts” found by the trial court “were not supported by clear and convincing evidence” and that other factual findings were not “supported by evidence warranting termination of parental rights,” she does not identify any factual findings claimed to be erroneous and fails to discuss the evidence as it relates to each of the statutory grounds for termination cited by the trial court. Regardless, only one statutory ground for termination need be proven, *In re CR*, 250 Mich App 185, 207; 646 NW2d 506 (2002), and the trial court did not clearly err in finding, at a minimum, that § 19b(3)(g) was proven by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); MCR 3.977(H)(3)(a) and (K). At the plea proceeding, respondent admitted that she was unable to provide proper care or custody for the children. The trial court found that despite receiving services for more than a year, respondent demonstrated little progress because she continued to struggle with emotional stability, still did not understand why the children were removed from the home, and remained defensive about her parenting skills. Clear and convincing evidence supports those findings. At the time of the termination hearing, respondent had once again been committed to a hospital psychiatric ward. Considering respondent’s lack of progress and continued instability, the trial court did not clearly err in finding that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time. Contrary to what respondent argues, petitioner was not required to prove long-term neglect as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). The *Fritts* decision predates the enactment of § 19b(3), which now sets forth the criteria for termination.

Further, in light of the harm suffered by the oldest child while in respondent's care, and respondent's inability to meet the children's needs as demonstrated by her continued instability, her resistance to change, and her refusal to acknowledge responsibility for the children's circumstances and removal, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357.

We reject respondent's argument that the trial court could not properly terminate her parental rights because no witnesses were called at the termination hearing. Because of respondent's recent hospitalization, the parties stipulated that in lieu of live testimony, the court could base its decision on documentary evidence submitted by the parties, coupled with respondent's narrative statement. "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).

We also reject respondent's argument that the trial court failed to make sufficient findings of fact. The trial court is required to "state on the record or in writing its findings of fact and conclusions of law[,] and "[b]rief, definite, and pertinent findings and conclusions on contested matters are sufficient." MCR 3.977(I)(1). The court's factual findings are sufficient as long as it appears that the court was aware of the issues in the case and correctly applied the law, and appellate review would not be facilitated by requiring further explanation. Cf. *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 176; 530 NW2d 772 (1995). Here, the trial court summarized each of the documentary exhibits that were presented by the parties and stated its findings concerning those exhibits before concluding that termination was warranted under §§ 19b(3)(c)(ii), (g), and (j). The court's findings were sufficient under MCR 3.977(I)(1).

Affirmed.

/s/ Patrick M. Meter
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey