

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALFRED SEARS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LANITA TURNER,

Respondent-Appellant,

and

STEVEN SEARS,

Respondent.

In the Matter of MIRANDA SEARS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LANITA TURNER,

Respondent-Appellant,

and

STEVEN SEARS,

Respondent.

UNPUBLISHED
September 16, 2008

No. 284168
Washtenaw Circuit Court
Family Division
LC No. 2006-000030-NA

No. 284169
Washtenaw Circuit Court
Family Division
LC No. 2006-000031-NA

In the Matter of SHELBY SEARS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LANITA TURNER,

Respondent-Appellant,

and

STEVEN SEARS,

Respondent.

No. 284170
Washtenaw Circuit Court
Family Division
LC No. 2006-000032-NA

Before: Donofrio, P.J., and Murphy and Fitzgerald, JJ.

PER CURIAM.

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

Respondent mother first argues that the trial court violated her due process rights by limiting her children's "testimony" to answering four stipulated questions as asked by the guardian ad litem outside of court rather than allowing the children to testify in person, pursuant to her subpoena. The guardian ad litem filed a motion to quash respondent mother's subpoenas of the children. Although the motion was discussed by the trial court, the trial court took a recess to allow the parties to discuss the issue off the record. The parties then entered into a stipulation, and the trial court accepted the stipulation to ask the children the questions agreed upon. Because of respondent mother's agreement to the stipulation, the trial court did not make a decision on the motion to quash the subpoena and did not decide that the children must answer the questions outside of court rather than being called to testify in court. A party "may not waive objection to an issue before the trial court and then raise the issue as an error on appeal." *People v Aldrich*, 246 Mich App 101, 111; 631 NW2d 67 (2001). Respondent mother's accompanying claim that the trial court gave no consideration to the children's answers to the stipulated questions is belied by the court's written opinion, which we find to be detailed, thoughtful, and well-reasoned.

Next, respondent mother argues that the trial court clearly erred in its best interests determination.¹ Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. *In re Trejo Minors*, 462 Mich 341, 344; 612 NW2d 407 (2000), citing MCL 712A.19b(5). We review the trial court's best-interests determination for clear error, which has been defined as a decision that strikes this Court as more than just maybe or probably wrong. *Trejo, supra* at 356-357. The record reflects that, effectively, respondent mother offers the children no financial, physical, educational, or emotional support and stability and disappointed the children with her failure to fulfill her obligations toward reunification. As stated by the trial court, "Others promote [the children's] mental health and their education, and provide their housing, effective discipline, and stability." This Court cannot find that the trial court clearly erred in its determination regarding the children's best interests under MCL 712A.19b(5).

Affirmed.

/s/ Pat M. Donofrio
/s/ William B. Murphy
/s/ E. Thomas Fitzgerald

¹ Respondent mother does not challenge the trial court's ruling with respect to the statutory grounds cited by the court in support of termination.