

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALLEN SLAYBAUGH and
TRAVIS SLAYBAUGH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELISSA SLAYBAUGH,

Respondent-Appellant,

and

GERALD SLAYBAUGH, JR.,

Respondent.

UNPUBLISHED
September 21, 2001

No. 229257
Genesee Circuit Court
Family Division
LC No. 98-110651-NA

In the Matter of ALLEN SLAYBAUGH and
TRAVIS SLAYBAUGH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GERALD SLAYBAUGH,

Respondent-Appellant,

and

MELISSA SLAYBAUGH,

No. 229678
Genesee Circuit Court
Family Division
LC No. 98-110651-NA

Respondent.

Before: Collins, P.J., and Murphy and Jansen, JJ.

PER CURIAM.

In these consolidated appeals, respondent Melissa Slaybaugh appeals by leave granted from a family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). Respondent Gerald Slaybaugh appeals by right from the same order that terminated his parental rights under MCL 712A.19b(3)(a)(ii). We affirm.

Docket No. 229257

With regard to respondent Melissa Slaybaugh's sole issue on appeal, we find no basis for reversing the order terminating her parental rights. 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 Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Further, while the family court went beyond MCL 712A.19b(5) by affirmatively finding that termination was in the children's best interests, this does not warrant appellate relief, inasmuch as the evidence did not show that termination of respondent Melissa Slaybaugh's parental rights was clearly not in the children's best interests. *Trejo, supra*, p 357. Thus, the family court did not clearly err in terminating respondent Melissa Slaybaugh's parental rights to the children.

Docket No. 229678

Respondent Gerald Slaybaugh raises four issues; however, we do not find any issue that requires reversal.

We first consider respondent Gerald Slaybaugh's claim of evidentiary error. Specifically, we address respondent's claims that the evidentiary rules apply to the family court's jurisdictional ruling and that the family court's determination that MCL 712A.2(b)(1) was established lacked evidentiary support.

We hold that respondent has not established any basis for disturbing the family court's determination of jurisdiction under MCL 712A.2(b)(1). *In re S R*, 229 Mich App 310, 314; 581 NW2d 291 (1998); *In re Toler*, 193 Mich App 474, 476-477; 484 NW2d 672 (1992). The family court's statement that it acquired jurisdiction on the basis of respondent Melissa Slaybaugh's plea of admission accurately reflected what occurred in the case. The notice deficiency that was found to exist affected only respondent Gerald Slaybaugh's rights. See *In re Terry*, 240 Mich App 14, 21; 610 NW2d 563 (2000) (notice of proceedings is a personal right). Moreover, although holding a joint hearing for both respondents on the supplemental petition, the family court indicated during the course of both the hearing and in its written opinion that it was deciding the jurisdictional issue with respect to respondent Gerald Slaybaugh using a preponderance of legally admissible evidence standard. Therefore, while acknowledging that the rules of evidence apply to the jurisdictional question, MCR 5.972(C)(1), respondent Gerald

Slaybaugh has not demonstrated that the family court used an incorrect evidentiary standard or that there was an insufficient evidentiary basis for the court to acquire jurisdiction.

Next, the family court did not abuse its discretion in allowing Steve Simmons to provide expert testimony in the field of family and child therapy. MRE 702 and MRE 703, and see generally *In re Vasquez*, 199 Mich App 44, 50-51; 501 NW2d 231 (1993) (abuse of discretion standard applies in reviewing evidentiary rulings); see also *People v Gambrell*, 429 Mich 401, 407; 415 NW2d 202 (1987).

Lastly, having considered respondent Gerald Slaybaugh's claims concerning the evidence of services in the case and the family court's findings of fact with regard to the issue of termination of his parental rights, we are not persuaded that the family court clearly erred in finding that § 19b(3)(a)(ii) was established by clear and convincing evidence. MCR 5.974(I); *Trejo, supra*, pp 356-357. Nor has respondent shown that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*, p 354.

Affirmed.

/s/ Jeffrey G. Collins
/s/ William B. Murphy
/s/ Kathleen Jansen