STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MARIUS PENDERGRASS and
PRINCE PENDERGRASS, Minors

FAMILY INDEPENDENCE AGENCY, f/k/a
DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

RUSSELL J. WILLIS, a/k/a RUSSELL LEE WILLIS,

Respondent-Appellant,

and

TRACY PENDERGRASS,

Respondent.

UNPUBLISHED
September 30, 1997

No. 198928
Allegan Juvenile Court
LC No. 95-005092-NA

In the Matter of MARIUS PENDERGRASS and
PRINCE PENDERGRASS, Minors

FAMILY INDEPENDENCE AGENCY, f/k/a
DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

TRACY PENDERGRASS,

Respondent-Appellant,

and

No. 199186
Allegan Juvenile Court
LC No. 95-005092-NA

RUSSELL J. WILLIS, a/k/a RUSSELL LEE WILLIS,

Respondent.

Before: O'Connell, P.J., and White and C. F. Youngblood*, JJ.

PER CURIAM.

In these separate but consolidated appeals, respondents appeal as of right from the juvenile court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (ii); MSA 27.3178(598.19b)(3)(c)(i) and (ii). We affirm.

On appeal from termination of parental rights proceedings, this Court reviews the probate court's findings under the clearly erroneous standard. MCR 5.974(I), *In re Cornet*, 422 Mich 274, 277; 373 NW2d 536 (1985). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996). Further, regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C); *Miller, supra*.

Respondent-father first asserts that there was no finding by the juvenile court that he was unwilling to provide support for the minor children. The juvenile court did not base its findings of fact or conclusions of law on whether the respondent-father supported the children, but on whether the conditions which led to adjudication continued to exist, with no reasonable likelihood that the conditions would be rectified within a reasonable time considering the ages of the children. Respondent-father's argument is irrelevant to the court's findings, and is therefore without merit in challenging the court's decision.

Respondent-father next asserts that the juvenile court deprived him of his rights without notice of the petition having been filed. This issue is raised for the first time on appeal. Absent "exceptional" or "exigent" circumstances, this Court, which is principally charged with the correction of error, does not review issues raised for the first time on appeal even when the issues relate to constitutional claims. *Michigan Up and Out of Poverty Now v State of Michigan*, 210 Mich App 162, 167-168; 533 NW2d 339 (1995). Furthermore, respondent-father appeared at the dispositional hearing, admitted to the truth of the allegation, and consented to the proceedings.

Respondent-father further argues, again for the first time on appeal, that he was not given notice of the adjudicatory hearing. The record reflects that respondent's counsel appeared at the June 21, 1995 hearing. We therefore decline to further review the issue. *Michigan Up and Out of Poverty Now, supra*.

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* Circuit judge, sitting on the Court of Appeals by assignment.

Finally, respondent-father argues that the juvenile court did not act in the best interests of the children by terminating his parental rights before a home study could be completed on the homes of relatives who expressed an interest in taking the minor children. The juvenile court reasoned that even if the homes were suitable, they would represent yet another temporary care arrangement for the minors. Given the age of the children, the court determined it would be in their best interest to have more permanent care. It is noteworthy that the juvenile court indicated that other family members could apply for adoption of the minors. We agree with these rulings and hold that the juvenile court did not abuse its discretion. *In re Conley, supra,* 216 Mich App 43.

With respect to respondent-mother, we find that the juvenile court did not clearly err in its findings of fact. The record clearly showed respondent-mother's erratic housing and employment record. Further, respondent-mother testified that she would be unable to care for the children for at least six months. The testimony and exhibits amply supported the finding that the conditions which led to the adjudication were unlikely to change within a reasonable time given the ages of the children. The juvenile court did not abuse its discretion.

Affirmed.

/s/ Peter D. O'Connell
/s/ Helene N. White
/s/ Carole F. Youngblood