

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAMERIUS WILLIAMS
and DIMITRI WILLIAMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BONNIE BRIGHT,

Respondent-Appellant,

and

DIMITRI WILLIAMS,

Respondent.

UNPUBLISHED

December 19, 1997

No. 201251

Wayne Juvenile Court

LC No. 92-298347

Before: MacKenzie, P.J., and Hood and Hoekstra, JJ.

PER CURIAM.

Respondent-appellant appeals by delayed application granted from the juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Respondent-appellant first argues that the juvenile court erred in terminating her parental rights because the basis on which the petition sought termination was unclear. We disagree. The petition seeking termination included in its factual statements that the original petition seeking temporary custody was filed due to “neglect,” that respondent-appellant was unable to care for the children due to her “mental and emotional well-being,” and that respondent-appellant had previously been guilty of “serious chronic neglect and abuse” of her other five children. Moreover, the petition specifically cited MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j) as the legal bases for its

action. The factual and legal allegations were adequate to place respondent-appellant on notice that petitioner was contending she could not properly care for the children. *In re Brown*, 149 Mich App 529, 544; 386 NW2d 577 (1986).

The record reveals that respondent-appellant was unprepared to care for the children since their birth because of her seizures and emotional instability. Even though the children were more than eighteen months old at the termination hearing, there was still no prospect that respondent-appellant would be prepared to care for them for at least another year. In this context, the juvenile court did not clearly err in finding that there was clear and convincing evidence that the condition that led to the adjudication would not be rectified within a reasonable time and that respondent-appellant would not be able to provide proper care within a reasonable time given the age of the children, MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g).¹ See *In re Dahms*, 187 Mich App 644, 647; 468 NW2d 615 (1991). Respondent-appellant has failed to demonstrate that the decision to terminate her parental rights was not in the children's best interests. *In re Hall-Smith*, 222 Mich App 470; 564 NW2d 156 (1997).

Affirmed.

/s/ Barbara B. MacKenzie

/s/ Harold Hood

/s/ Joel P. Hoekstra

¹ This Court need not address the issue whether the juvenile court properly terminated respondent-appellant's parental rights under MCL 712A.19a(c); MSA 27.3178(598.19a)(c) as argued by respondent-appellant on appeal because this was not a basis on which petitioner sought termination and was not a basis on which the juvenile court decided to terminate respondent-appellant's rights.