

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STERLING MICHAEL SMITH,
SARA VACHELLE SMITH, SIAN MYKELLE
SMITH, and ARIAL DENISE SMITH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL CADE,

Respondent-Appellant,

and

SANDY SMITH CADE, RICHIE E. TURNER, and
CARL D. JONES,

Respondents.

UNPUBLISHED
September 9, 2003

No. 244973
Wayne Circuit Court
Family Division
LC No. 97-362203

In the Matter of STERLING MICHAEL SMITH,
ARIEL DENISE SMITH, SARA VACHELLE
SMITH, and SIAN MYKELLE SMITH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SANDY SMITH, a/k/a SANDY CADE,

Respondent-Appellant,

and

No. 245115
Wayne Circuit Court
Family Division
LC No. 97-362203

RICHIE E. TURNER, CARL D. JONES, and
MICHAEL D. CADE, SR.,

Respondents.

Before: O'Connell, P.J., and Jansen and Fort Hood, JJ.

MEMORANDUM.

Respondent-father appeals as of right and respondent-mother appeals by delayed leave granted from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

This case began in 1997 with allegations of a filthy house, that respondents left the children without supervision, and that respondent-mother had a drug problem. The trial court removed the children from respondents and returned them again several times. In 2001, the trial court returned the children and dismissed their wardships. In 2002, petitioner renewed its allegations that respondents kept a filthy house and additionally claimed that two of the children had poor school attendance and arrived at school unwashed and unkempt.

The trial court did not clearly err in finding that petitioner established the statutory grounds for termination by clear and convincing evidence. MCR 5.974, now MCR 3.977; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The trial court correctly found that respondents' kept their home in a filthy, unsuitable state whenever the children resided there. Furthermore, as of the termination trial, respondents had failed to make marked improvements in the home's cleanliness despite the children's absence. Two of the children also had erratic school attendance and went to school unkempt with poor hygiene. Respondents' demonstrated a continuing failure to alter their actions to provide the children with stable, adequate surroundings. Although the trial court did not make a specific finding regarding the children's best interests, the law does not require such a finding. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Furthermore, the evidence did not demonstrate that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5). Thus, the trial court did not err in terminating respondents' parental rights to the children.

We decline to address respondent-mother's due process issue, because she failed to raise it below. It also appears from the existing record that respondent-mother received legal assistance that rose above a reasonable standard. *In re CR*, 250 Mich App 185, 197-198; 646 NW2d 506 (2002).

Affirmed.

/s/ Peter D. O'Connell
/s/ Kathleen Jansen
/s/ Karen M. Fort Hood