

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MESW, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GEORGIA CASON,

Respondent-Appellant,

and

D. CASON,

Respondent.

UNPUBLISHED

January 23, 2001

No. 227929

Ingham Circuit Court

Family Division

LC No. 00-037463-NA

Before: Markey, P. J., and Whitbeck and J. L. Martlew*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(1); MSA 27.3178(598.19b)(3)(1). We affirm. We decide this case without oral argument pursuant to MCR 7.214(E).

We conclude that jurisdiction over the child was established by a preponderance of the evidence, which showed that the child's home was an unfit living environment.¹ In particular, we note the evidence of neglect that forced five of respondent-appellant's children to be placed under the care of guardians, the fact that her parental rights had been terminated for a sixth child, and that there was alcohol in the home despite her long-running alcohol and substance abuse

¹ MCL 712A.2(b)(2); MSA 27.3178(598.2)(b)(2); MCR 5.972(C)(1); *In re Snyder*, 223 Mich App 85, 88-89; 566 NW2d 18 (1997).

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

problems. Also, by the time the petition in this case was filed, respondent-appellant had still failed to avail herself of recommended services.

We also conclude that the family court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence.² MCL 712A.19b(3)(l); MSA 27.3178(598.19b)(3)(1) requires a family court to terminate parental rights if there is clear and convincing evidence that the parent's parental rights to another child were terminated. There is no dispute that her parental rights to her sixth child, a son, had been terminated. Contrary to respondent-appellant's arguments, additional efforts towards reunification were not required under the circumstances. The evidence did not establish that termination of respondent-appellant's parental rights was clearly not in the child's best interests.³ Thus, the family court did not err in terminating respondent-appellant's parental rights to the child.

We further conclude that the trial court did not abuse its discretion in denying respondent-appellant's motion to adjourn. The motion was requested so that respondent-appellant's boyfriend could assert his own rights over the child. A party must assert his or her own legal rights and interests and cannot rest a claim on a third party's legal rights.⁴

Affirmed.

/s/ Jane E. Markey
/s/ William C. Whitbeck
/s/ Jeffrey L. Martlew

² MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

³ MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

⁴ *In re Terry*, 240 Mich App 14, 21; 610 NW2d 563 (2000); *In re Ovalle*, 140 Mich App 79, 84; 363 NW2d 731 (1985).