

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEON FRANKLIN, SANTORIA
WILLIAMS, DAMON WILLIAMS, and LAMONT
WILLIAMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JANICE DENISE WILLIAMS,

Respondent-Appellant,

and

WILLIE CHARLES FRANKLIN,

Respondent.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIE CHARLES FRANKLIN,

Respondent-Appellant,

and

JANICE DENISE WILLIAMS,

UNPUBLISHED

December 12, 1997

No. 202756

Saginaw Juvenile Court

LC No. 94-023059 NA

No. 202901

Saginaw Juvenile Court

LC No. 94-023059 NA

Respondent.

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

MEMORANDUM.

Respondents appeal as of right from the juvenile court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(ii), (g), and (j); MSA 27.3178(598.19b)(3)(c)(ii), (g), and (j). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The juvenile court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the court did not commit clear error in ruling that respondents had failed to show that termination of their parental rights was not in the best interests of the children. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); see also MCL 712A.19b(5); MSA 27.3178(598.19b)(5); MCR 5.974(E)(2). That standard does not unconstitutionally shift the burden of proof onto respondents. *In re Hall-Smith, supra* at 472-473; see also *In re Hamlet*, ___ Mich App ___, ___ NW2d ___ (Docket No. 198096, issued 9/26/97), slip op at 8.

Although both parents argued in the trial court that they had not been provided appropriate assistance by the agency, the applicability of the Americans with Disabilities Act was not raised or decided below and is therefore unpreserved for appellate review. See 42 USC § 12133; see also 29 USC § 794a; 42 USC §§ 2000e-5(f)-2000e-5(k).

Affirmed.

/s/ Barbara B. MacKenzie
/s/ Harold Hood
/s/ Joel P. Hoekstra