

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMY MARIE GERMAN, JEFFERY
L. GERMAN, ANDREW LEE GERMAN, and
JOSHUA DAVID EPPERT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BUFFIE JO EPPERT and DAVID RONALD
EPPERT,

Respondents-Appellants.

UNPUBLISHED
October 6, 1998

No. 202112
Wayne Juvenile Court
LC No. 94-316898

Before: Whitbeck, P.J., and McDonald and T. G. Hicks*, JJ.

MEMORANDUM.

Respondents appeal as of right the juvenile court order terminating respondent-mother's parental rights to her four children, and terminating respondent-father's parental rights to his child, pursuant to MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

The juvenile court did not clearly err in finding that the 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); *In re Dahms*, 187 Mich App 644, 647-648; 468 NW2d 315 (1991). Further, respondents failed to show that termination of their parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondents' parental rights. *Id.*

It was not inconsistent for the juvenile court to terminate respondents' parental rights to the subject children, but not to another child. Although evidence of how parents treat one child may be probative of their treatment of another, such evidence is not conclusive or automatically determinative. *In re Kantola*, 139 Mich App 23, 28; 361 NW2d 20 (1984). In this case, the juvenile court did not terminate respondents' parental rights to one child because the child did not appear to be abused or neglected, unlike the other children who are the subject of the this appeal.

Finally, respondents argue the attorney appointed for the children did not represent them properly. This issue is not properly before this Court because respondents do not have standing to raise it by vicariously invoking the rights of another. See *People v Wood*, 447 Mich 80, 89; 523 NW2d 477 (1994). Furthermore, the issue was not raised below and, therefore, is not preserved for appeal. *Up & Out of Poverty v Michigan*, 210 Mich App 162, 167; 533 NW2d 339 (1995).

Affirmed.

/s/ William C. Whitbeck

/s/ Gary R. McDonald

/s/ Timothy G. Hicks