STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of HOPE MARIA BAILEY and
JAYSON MATTHEW BAILEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIM BAILEY,

Respondent-Appellant,

and

RONNIE BAILEY, WILLIAM STRINGER, and
JAMES WESLEY WILLIAMS,

Respondents.

UNPUBLISHED
December 22, 1998

No. 208613
Wayne Juvenile Court
LC No. 89-281368

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right a 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. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant argues that clear and convincing evidence did not exist to terminate her parental rights. We disagree. This family came to the attention of the court in 1989. Respondent-appellant has a history of abusing drugs, and both minor children were born addicted to cocaine. After numerous review hearings, jurisdiction of the court was dismissed in 1994, and the children were returned to respondent-appellant's care. In 1996, the children were again returned to the attention of

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

the court after respondent-appellant physically abused Hope and was unable to maintain suitable housing. A termination petition was later filed after respondent-appellant failed to comply with a parent/agency agreement that required her to remain drug-free, obtain suitable housing and employment, attend counseling and complete a psychiatric evaluation, and visit the children on a weekly basis.

The juvenile court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). After the children were removed from respondent-appellant's home, respondent-appellant indicated that she only wanted to regain custody of Jayson and not Hope because she felt hostility toward Hope because Hope was conceived as a result of a rape. However, the record shows that Jayson was also the product of a rape, and, thus, the possibility exists that respondent-appellant will develop the same hostility toward Jayson. Further, respondent-appellant failed to maintain adequate housing and failed to regularly visit Jayson for the majority of the time that he was in foster care in 1997. Although respondent-appellant did attend parenting classes, she failed to maintain consistent employment throughout the proceedings and failed to complete counseling sessions. Based on respondent-appellant's inability to care for Jayson on a regular basis and the fact that Jayson has been in alternate care for the majority of his eight years and was in need of a stable environment, the evidence clearly showed that respondent-appellant was unlikely to be able to provide proper care and custody within a reasonable time given Jayson's age. Further, respondent-appellant failed to show that termination of her 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, supra*. Thus, the juvenile court did not err in terminating respondent-appellant's parental rights to the children. *Id.*

Respondent-appellant's claim that the juvenile court did not have jurisdiction over Jayson is not properly before this Court because respondent-appellant did not raise this issue in her statement of questions presented or provide a transcript from the dispositional hearing. *Maryland Casualty Co v Allen*, 221 Mich App 26, 32-33; 561 NW2d 103 (1997); *Taylor v Blue Cross & Blue Shield of Michigan*, 205 Mich App 644, 654; 517 NW2d 864 (1994). In any event, the claim is without merit because the petition alleged facts sufficient to establish the court's jurisdiction under MCL 712A.2(b)(2); MSA 27.3178(598.2)(b)(2), and respondent-appellant cannot collaterally attack the juvenile court's exercise of that jurisdiction. *In re Hatcher*, 443 Mich 426; 505 NW2d 834 (1993); *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995).

We affirm.

/s/ Stephen J. Markman
/s/ Richard A. Bandstra
/s/ John F. Kowalski