

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICOLE CARNELL, JUSTIN
BANKS, and NICKOLIS BAXTER, a/k/a
NICOLAS BAXTER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUSAN BAXTER,

Respondent-Appellant,

and

HOWARD BAXTER and GILBERTO TUDON,

Respondents.

In the Matter of JUSTIN BANKS and NICKOLIS
BAXTER, a/k/a NICOLAS BAXTER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HOWARD BAXTER,

UNPUBLISHED

May 11, 1999

No. 212628

Branch Circuit Court

Family Division

LC No. 93-000016 NA

No. 212640

Branch Circuit Court

Family Division

LC No. 93-000016 NA

Respondent-Appellant,

and

SUSAN BAXTER,

Respondent.

Before: Kelly, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

In Docket No. 212628, respondent Susan Baxter appeals as of right from the family court order terminating her parental rights to Nicole Carnell, Justin Banks and Nickolis Baxter pursuant to MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). In Docket No. 212640, respondent Howard Baxter appeals as of right the termination of his parental rights to Justin and Nickolis pursuant to the same statutory grounds. We affirm.

The family court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were established by clear and convincing evidence with respect to respondent Susan Baxter and that § 19b(3)(g) was established by clear and convincing evidence with respect to respondent Howard Baxter.¹ MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). 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, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondents' parental rights to the children. *Id.*

Affirmed.

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski

¹ Having found that § 19b(3)(g) was established with respect to Howard Baxter, we need not decide whether § 19b(3)(c)(i) was also established. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).