

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JONATHAN CURTIS and KAYLEE
CURTIS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CLAUDIA CURTIS BROWN and JOHN
MCCLAIN, a/k/a JONATHAN C. MCCLAIN,

Respondents-Appellants.

UNPUBLISHED

June 4, 1999

Nos. 213286; 213524

Genesee Circuit Court

Family Division

LC No. 95-102084 NA

Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

PER CURIAM.

In these consolidated cases, respondent-appellant Claudia Curtis Brown and respondent-appellant John McClain appeal as of right the order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We affirm.

The trial 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). Further, respondents-appellants 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 trial court did not err in terminating respondents-appellants' parental rights to the children. *Id.*

Respondent-appellant Brown also claims that she was not properly served with the petition for termination of parental rights. This issue was not raised below. Issues raised for the first time are not subject to appellate review. *Deal v Deal*, 197 Mich App 739, 741; 496 NW2d 403 (1993). Furthermore, respondent-appellant Brown, along with her attorney, appeared at the termination hearings and contested petitioner's request to terminate her parental rights. She does not contend that

she was somehow unaware of the grounds asserted for termination or that she was unaware of the termination hearing dates. Under these circumstances, any error in the petitioner's alleged failure to properly serve respondent-appellant Brown with the termination petition was harmless.

Additionally, even if the trial court abused its discretion in admitting evidence of respondent-appellant Brown's parenting abilities, *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 200; 555 NW2d 733 (1996), any error in that regard was harmless in light of the fact that respondent-appellant Brown's parental rights were not terminated due to any deficiencies in her parenting skills. Her parental rights were terminated because she failed to maintain an adequate and stable home for the children.

Lastly, the trial court did not abuse its discretion in denying respondent-appellant Brown's motion to adjourn the May 6, 1998, hearing date. *People v Sinistaj*, 184 Mich App 191, 201; 457 NW2d 36 (1990). At the time of the request for an adjournment this matter had been pending for three years. Furthermore, respondent-appellant Brown had previously been granted adjournments to allow her to obtain suitable housing. Finally, respondent-appellant Brown alleged no prejudice below, nor does she allege any on appeal, from the trial court's decision to deny her motion for a continuance. Under these circumstances, the trial court did not abuse its discretion in denying her motion for an adjournment. *Lansing v Hartsuff*, 213 Mich App 338, 350-351; 539 NW2d 781 (1995).

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald