

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.M.L., J.R.M.L. and A.L., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

LATRICIA LANIER,

Respondent-Appellant,

and

JAMES ANTHONY MCBRIDE, SHAWN WHITE
and BROVIA EVANS,

Respondents.

UNPUBLISHED

July 9, 2002

No. 234410

Wayne Circuit Court

Family Division

LC No. 98-362760

Before: Hood, P.J., and Saad and E. M. Thomas,* JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the March 29, 2001 order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. We decide this case without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds were met by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993); MCR 5.974(I). Petitioner-appellee established that respondent-appellant's substance abuse and lifestyle instability interfered with her ability to care for her children, and that respondent-appellant had failed to resolve these problems during the two and a half years of her children's temporary wardship. We find no merit to respondent-appellant's arguments that the trial court erroneously relied on lab reports of positive and adulterated drug screens, and on the testimony of a caseworker who did not file the termination petition. Respondent-appellant

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

failed to cite any authority in support of her claims that this evidence was improper, so these issues are consequently waived. *Caldwell v Chapman*, 240 Mich App 124, 132; 610 NW2d 624 (2000). Furthermore, these issues relate to the weight and credibility of the evidence rather than to its admissibility. This Court recognizes that the trial court, while not infallible, is in a better position to weigh evidence and evaluate a witness' credibility. *Fletcher v Fletcher*, 229 Mich App 19, 28; 581 NW2d 11 (1998). Because the evidence did not establish that termination was not in the minor children's best interests, *Trejo, supra* 462 Mich 353; 712A.19b(5), the trial court did not err in ordering termination.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas