

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGEL SMITH and SHANIECE
ARNOLD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEPHANIE E. SMITH,

Respondent-Appellant,

and

DANIEL ARNOLD,

Respondent.

UNPUBLISHED

January 8, 2004

No. 249310

Genesee Circuit Court

Family Division

LC No. 00-112751-NA

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

The trial court did not err in assuming jurisdiction over the minor children. Respondent-appellant abandoned the children with separate family friends without making custodial arrangements and could not be located.¹ As such, the children were without proper custody or guardianship. MCL 712A.2(b)(1).

The trial court also did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant had a history of drug

¹ We note that respondent-appellant did not make any financial or material preparations for the children and failed to remain in contact with her children or with the friends she entrusted them with.

abuse and abandonment of her children for days at a time. Although respondent-appellant spent nearly two years completing services that resulted in reunification with the minor children, respondent-appellant quickly relapsed into her harmful pattern of abuse and neglect.

Finally, the trial court did not clearly err in finding that the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). In addition, the court did not impermissibly shift the burden of proof to respondent-appellant to prove that termination was not in the best interests of the children, but merely stated that no evidence established that it was not in the children's best interests to terminate respondent-appellant's parental rights.

Therefore, the court did not err in terminating respondent-appellant's parental rights to the minor children.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen