STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of RONYALE ANN ELLESIA JARENDA and RHONDA SHARIA WHITE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DANYALE SMITH,

Respondent-Appellant.

UNPUBLISHED
April 6, 2004

No. 250052
Oakland Circuit Court
Family Division
LC No. 03-677582-NA

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The evidence showed that respondent had a long-term substance abuse history and previous attempts at treatment had failed. Respondent's drug abuse ultimately contributed to the involuntary termination of her parental rights to other children. Respondent continued to abuse drugs and Rhonda tested positive for the drug at birth. Further, the trial court's finding regarding the children's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo*, *supra* at 356-357.

Respondent also contends that the evidence regarding her substance abuse and its effect on Rhonda was no more than hearsay. Respondent did not object to the evidence below and thus has not preserved the issue for appeal. *In re Weiss*, 224 Mich App 37, 39; 568 NW2d 336 (1997). The Children's Protective Services worker testified that respondent told her that she regularly used drugs and had used crack cocaine while pregnant with Rhonda. Respondent's own statement, offered in evidence against her, is not hearsay. MRE 801(d)(2)(A).

Petitioner was not required to prove that respondent would neglect her children for the long-term future as held in *Fritts v Krugh*, 354 Mich. 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich. 426, 444; 505 NW2d 834 (1993). That case predates the enactment of section 19b(3) which sets forth the criteria for termination.

Respondent's claim that the court erred in ordering termination because the FIA had not first made reasonable efforts to achieve reunification was not raised and addressed below and thus has not been preserved for appellate review. *Camden v Kaufman*, 240 Mich App 389, 400 n 2; 613 NW2d 335 (2000). In any event, because the agency sought termination at initial dispositional hearing, services were to be provided to facilitate permanent placement; services for respondent were not required because the children were not to be returned to respondent's care. MCL 712A.18f(3)(d).

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette