

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of TIMOTHY ANDREW COATES and  
DANTE DIANDRE GONMAN, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DENISE COATES,

Respondent-Appellant,

and

LLOYD JACKSON,

Respondent.

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UNPUBLISHED

October 22, 1999

No. 215485

Wayne Circuit Court

Family Division

LC No. 96-347831

Before: Griffin, P.J., and Zahra and S.L. Pavlich\*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor children pursuant to MCL 721A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family 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). We disagree with respondent-appellant's claim that, based on the testimony of Stephen West, the family court should have dismissed the termination petition with respect to Timothy Coates. First, respondent-appellant never requested dismissal as to Timothy. Second, West was not

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

the petitioner in this matter. Third, West explained that his recommendation was based primarily on a personal belief that Timothy was not likely to be adopted, given his age. It was not based on any opinion that respondent-appellant was capable of providing proper care and custody for Timothy. On the contrary, West specifically testified that it was his opinion that respondent-appellant was not able to provide proper care and custody for either child, and would not be able to do so in the future even with the services provided. Therefore, the family court did not err by failing to sua sponte dismiss the termination petition with respect to Timothy.

Respondent-appellant does not contend that termination of her 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; 564 NW2d 156 (1997). Accordingly, the family court did not err in terminating her parental rights to the children.

Affirmed.

/s/ Richard Allen Griffin

/s/ Brian K. Zahra

/s/ Scott L. Pavlich