STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DAKOTA LEE McCOY and DAVID NIKEIA McCOY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELISSA ANN YATES,

Respondent-Appellant,

and

DAVID LEE McCOY,

Respondent.

UNPUBLISHED
April 18, 2000

No. 217459
Wayne Circuit Court
Family Division
LC No. 93-311407

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington*, JJ.

PER CURIAM.

Respondent-appellant appeals by delayed leave granted from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (i), (j), (l) and (m); MSA 27.3178(598.19b)(3)(g), (i), (j), (l) and (m). We affirm.

Respondent-appellant argues that the trial court erred in taking judicial notice of the lower court file in order to establish jurisdiction over the children. However, respondent-appellant did not object to the court taking judicial notice of the file. To properly preserve an evidentiary issue for appeal, a party must raise a timely and specific objection in the trial court. If a timely and specific objection is not raised, the appellate court will examine the issue only to determine whether manifest injustice would otherwise result. *People v Cain*, 238 Mich App 95; ___ NW2d ___ (1999).

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

MRE 201(b) permits a judge to take judicial notice of facts which are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Judicial notice may be taken at any stage of the proceedings. MRE 201(e). Here, the trial court took judicial notice of lower court file, which indicated that respondent-appellant's parental rights to three older children had previously been terminated for neglect. Clearly, this was a fact that was capable of accurate and ready determination by resort to a source, the trial court's own file, whose accuracy could not reasonably be questioned. See *In re Stowe*, 162 Mich App 27, 32-33; 412 NW2d 655 (1987). We also note that respondent-appellant does not claim that any judicially noticed fact was either untrue or inaccurate. Further, counsel for respondent-appellant informed the court that they were not challenging the court's jurisdiction when the court announced its intention to take judicial notice of the lower court file. Under these circumstances, a miscarriage of justice has not been shown.[1]

Next, 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, respondent-appellant failed to show 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, 472-473; 564 NW2d 156 (1997). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children. *Id.*

Affirmed.

/s/ Roman S. Gribbs
/s/ Martin M. Doctoroff
/s/ Thomas L. Ludington

[1] The lower court file indicated that respondent-appellant's parental rights to three older children had previously been terminated for neglect. The fact that respondent-appellant's parental rights to three older children had been involuntarily terminated for neglect was sufficient to support the trial court's assumption of jurisdiction over the minor children. See *In re Dittrick*, 80 Mich App 219, 222-223; 263 NW2d 37 (1997); see also *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995); *In the Matter of Baby X*, 97 Mich App 111, 116; 293 NW2d 736 (1980); *In the Matter of LaFlure*, 48 Mich App 377, 392; 210 NW2d 482 (1973).