

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL KENNETH SMITH
and BRITTANY MARIE SMITH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL SMITH,

Respondent-Appellant.

UNPUBLISHED
December 19, 2000

No. 226190
Ingham Circuit Court
Family Division
LC No. 00-034454

Before: Bandstra, C.J., and Fitzgerald and D. B. Leiber*, JJ.

MEMORANDUM.

Respondent appeals as of right from the family court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The record shows that respondent has been repeatedly incarcerated and has a continuing substance abuse problem notwithstanding efforts to help him address it. Further, there is evidence of neglect and/or abandonment of the children when they were in his care.

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). Further, the evidence did not establish that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

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

Thus, the family court did not err in terminating respondent's parental rights to the children. *Id.*

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Dennis B. Leiber