

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DIA'MON DENISE DONALD,
MARGARET LOUISE EUELL, and CHAKIA STEPHINE
EUELL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

SHARLAE DENEAN EUELL,

Respondent-Appellant,

and

DENNIS DONALD, a/k/a DELMIE DONALD,

Respondent.

In the Matter of DEAN RASHOD ISOM, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

SHARLAE DENEAN EUELL,

Respondent-Appellant,

and

DEAN ISOM,

Respondent.

Before: Sawyer, P.J., and Gage and Owens, JJ.

UNPUBLISHED

June 24, 2004

No. 253006

Saginaw Circuit Court

Family Division

LC No. 90-020931

No. 253007

Saginaw Circuit Court

Family Division

LC No. 02-027613

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court orders terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant had a history with petitioner dating from 1982. In March 2002, petitioner filed petitions in the instant case for temporary custody of respondent-appellant's four minor children, alleging that respondent was abusing crack cocaine and neglecting the children. Respondent-appellant admitted that she had been using drugs since she was sixteen years old and that she had been to eleven drug treatment centers since 1989 and had relapsed each time, sometimes after sustaining sobriety for three to four years. After the children were taken into the court's custody, respondent-appellant participated in another drug treatment program but admitted that she relapsed between February and April 2003. In June 2003, respondent-appellant was again referred to drug counseling and, as of the October 16, 2003 trial date, consistently participated in the treatment program and submitted random drug screens, which were negative. However, respondent-appellant had failed to obtain suitable housing and had only been employed for two weeks as of the date of the November 5, 2003 trial. She was also convicted of domestic violence towards her live-in boyfriend arising from an incident in March 2003 and pleaded guilty to larceny in a building in June 2003.

On appeal, respondent-appellant raises three issues: (1) the court denied her constitutional due process rights by failing to properly notify her of the trial on the temporary custody petition, (2) termination of her parental rights was contrary to the children's best interests, and (3) the court lacked jurisdiction because the petition for temporary custody of the children was defective on its face.

Respondent-appellant's arguments are not supported by the record. The lower court file indicates that respondent-appellant was personally served with the summons notifying her of the June 3, 2002 trial on the temporary custody petitions. MCL 712A.12. Therefore, respondent-appellant's due process argument is without basis. Next, in light of respondent-appellant's intensive history of drug-use and relapses, the fact that the children have been in others' care even when respondent-appellant did have custody of them, and concerns over respondent-appellant's ability to provide the children with a stable home environment, particularly considering her lack of housing, limited employment history and her criminal involvement just prior to the termination trial, the court could properly conclude that termination of respondent-appellant's parental rights was not contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Finally, respondent-appellant cannot collaterally attack the court's jurisdiction over the children on appeal where she failed to raise the issue below. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). Even if considered, respondent-appellant's argument that the temporary custody petitions are defective on their face is without merit. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ David H. Sawyer
/s/ Hilda R. Gage
/s/ Donald S. Owens