

STATE OF MICHIGAN
COURT OF APPEALS

In re MYA ANN EARL-MATHES, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HAROLD MATHES,

Respondent-Appellant.

In re MYA ANN EARL-MATHES, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHEENA EARL,

Respondent-Appellant.

UNPUBLISHED
January 5, 2006

No. 264785
Clare Circuit Court
Family Division
LC No. 05-000038-NA

No. 265061
Clare Circuit Court
Family Division
LC No. 05-000038-NA

Before: O'Connell, P.J., and Smolenski and Talbot, JJ.

MEMORANDUM.

In these consolidated cases, respondents appeal as of right from a circuit court order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(i). We affirm.

The trial court did not clear 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). Respondents' parental rights to the child's sibling had been terminated after attempts to rehabilitate both parents proved unsuccessful. We decline to

consider respondents' argument regarding the meaning of the "prior attempts" language in § 19b(3)(i) because the issue was not raised and addressed below, and thus has not been preserved for appeal. Further, the trial court's finding regarding the child'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.

Affirmed.

/s/ Peter D. O'Connell

/s/ Michael R. Smolenski

/s/ Michael J. Talbot