

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.H. and J.H., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GARY HADLEY,

Respondent-Appellant,

and

PAMELA SCHNEIDER,

Respondent.

UNPUBLISHED
December 17, 2002

No. 239749
Washtenaw Circuit Court
Family Division
LC No. 98-024740

In the Matter of J.H. and J.H., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAMELA SCHNEIDER,

Respondent-Appellant,

and

GARY HADLEY,

Respondent.

No. 240057
Washtenaw Circuit Court
Family Division
LC No. 98-024740

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

MEMORANDUM.

Respondent-appellant Gary Hadley appeals as of right and respondent-appellant Pamela Schneider appeals as of delayed leave granted from the order of the trial court terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (j). We affirm. These consolidated appeals are being heard without oral argument. MCR 7.214(E)(1)(b).

The trial court did not 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). Respondents-appellants have ongoing mental health problems that they refuse to adequately address. These mental health problems caused deterioration of the family structure to the extent that, at adjudication, the children were not attending school, respondents-appellants could not control the children and make them attend school, and the home was cluttered and filthy. The conditions were never rectified to an extent that would have permitted the children to return to respondents-appellants' home in safety.

Further, the evidence did not show that termination of respondents-appellants' parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the children desired very much to return to their parents' care, the safety and well-being of the children is paramount. It cannot be said that termination was clearly not in their best interests, and the trial court therefore did not err in terminating respondents-appellants' parental rights to the children.

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Mark J. Cavanagh