STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BRANDON GUILD and STEVEN SHIRLEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRANDY GUILD SHIRLEY and BENJAMIN TODD SHIRLEY,

Respondent-Appellant.

UNPUBLISHED
December 8, 1998

No. 206888
Hillsdale Juvenile Court
LC No. 94-029846 NA

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

PER CURIAM.

Respondents appeal as of right from the juvenile court order terminating their parental rights to Steven Shirley, and terminating respondent Brandy Shirley's parental rights to Brandon Guild, pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondents first argue that reversal is required because the trial court failed to comply with MCR 5.974(G)(3), which provides:

> An order terminating parental rights under the juvenile code may not be entered unless the court makes findings of fact, states its conclusions of law and includes the statutory basis for the order.

Although the trial court did not state expressly the statutory basis for its order terminating parental rights, we find that reversal is not required. The trial court set forth findings of fact in its decision and concluded that the conditions leading to adjudication continued at the time of the hearing and would continue indefinitely into the future. It is clear from the record that the trial court terminated respondents' parental rights pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i),

which is a statutory basis for termination. No purpose would be served by remanding this case for further articulation when the record clearly demonstrates the statutory basis for the trial court's order.

Next, respondents argue that the trial court erred in finding that a statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We disagree. The children at issue were originally placed in foster care in October 1994. Although they were returned to respondents in October 1995, they were subsequently removed in July 1996. At the time of the termination hearing in 1997, there was clear and convincing evidence that the conditions that led to adjudication continued to exist. Although respondents purchased a trailer home shortly before the hearing, thus apparently ending their transient lifestyle, the purchase of the home alone did not evidence stability. There was clear and convincing evidence that, for nearly three years before the termination hearing, respondents failed to resolve their financial and parenting problems and, more significantly, failed to rectify their violent, threatening and abusive tendencies. Moreover, it was not reasonably likely that these conditions would be rectified within a reasonable time considering the ages of the children. Thus, the trial court did not clearly err in finding that a statutory ground for termination was established by clear and convincing evidence.

Finally, respondents argue that termination of their parental rights was not in the children's best interest. We disagree. Once petitioner demonstrated that a statutory ground for termination was met by clear and convincing evidence, respondents were required to put forth evidence that termination of their 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). Respondents failed to do so. Petitioner, on the other hand, provided ample evidence to show that termination was in the best interests of the children. Thus, the trial court did not err in terminating respondents' parental rights.

Affirmed.

/s/ David H. Sawyer
/s/ Myron H. Wahls
/s/ Joel P. Hoekstra