

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DANIEL MATTHEW SERVIS,  
DAVID BRADLEY SERVIS, and TIMOTHY  
RUSSELL SERVIS, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MADONNA SERVIS and DANIEL ENNESS,

Respondents-Appellants.

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UNPUBLISHED

May 18, 1999

No. 213716; 213936

Ingham Circuit Court

Family Division

LC No. 00004347

Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

MEMORANDUM.

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

The family court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were established by clear and convincing evidence with respect to respondent Servis, and that §§ 19b(3)(g) and (h) were established by clear and convincing evidence with respect to respondent Enness. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). Although the court did not expressly refer to §§ 19b(3)(g) and (h) when terminating respondent Enness' parental rights, it is clear from the court's opinion that it relied on these statutory grounds as the basis for its decision and that it correctly applied the law in resolving the issues before it. Thus, appellate review would not be facilitated by remanding for additional explanation. *Triple E Produce Corp v Mastronardi Produce, Ltd.*, 209 Mich App 165, 176; 530 NW2d 772 (1995); *People v Johnson (On Rehearing)*, 208 Mich App 137, 141; 526 NW2d 617 (1994). Also, even though § 19b(3)(g) was not alleged in the petition with respect to respondent Enness, the court could properly consider it without violating Enness' due process rights because the elements of that

subsection are contained in § 19b(3)(h), which was alleged in the petition. *In re Perry*, 193 Mich App 648, 650-651; 484 NW2d 768 (1992).

Finally, both respondents failed to show 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). Therefore, the family court did not err in terminating respondents' parental rights to the children. *In re Hall-Smith, supra*.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald