

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NAOMI JAMILA HARTLEY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ARLINE HARTLEY,

Respondent-Appellant,

and

CHARLES EDWARD HARTLEY,

Respondent.

UNPUBLISHED

August 10, 1999

No. 207208

Wayne Juvenile Court

LC No. 96-336890

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the juvenile court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(b)(i), (c)(i), (g), and (j). We affirm.

Respondent-appellant first argues that the probate court failed to comply with MCR 5.874(G) when terminating her parental rights. We disagree. The juvenile court referee's written report and recommendation contains sufficient findings of fact and conclusions of law to satisfy MCR 5.974(G).¹

After reviewing the record, we also reject respondent-appellant's argument that there was insufficient evidence produced to support the termination. We conclude that the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing

* Circuit judge, sitting on the Court of Appeals by assignment.

evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the court did not err in finding that the presumption in favor of termination thereby raised was not overcome by a showing that termination of respondent-appellant's parental rights "is clearly not in the child's best interests." MCL 712A.19b(5); MSA 27.3178(598.19b)(5). Accord *In re Huisman*, 230 Mich App 372, 385; 584 NW2d 349 (1998). Therefore, we hold that the juvenile court did not err in terminating respondent-appellant's parental rights to the child. *In re Hall-Smith*, 222 Mich App 470, 473; 564 NW2d 156 (1997).

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette

¹ MCR 5.974(G)(1) states that in a termination case, "[t]he court shall state on the record *or in writing* its findings of fact and conclusions of law." (Emphasis added.)