

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RONNIE LYNN PAINTER and
SAMANTHA RENE PAINTER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RONALD PAINTER,

Respondent-Appellant,

and

DEATRA PAINTER,

Respondent.

UNPUBLISHED

August 10, 1999

No. 211898

Macomb Juvenile Court

LC No. 95-041174 NA

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

MEMORANDUM.

Respondent-appellant appeals as of right from a juvenile court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g).¹ We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

After reviewing the record, we conclude that the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing 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

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

(1998). Therefore, we hold that the juvenile court did not err in terminating respondent-appellant's parental rights. *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 Respondent-appellant also claims that his parental rights were terminated under § 19b(3)(j), but the record indicates that the trial court did not rely on this subsection as a basis for termination.