

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DANIEL WHITLEY, BRIAN
WHITLEY and STACIE WHITLEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH WHITLEY,

Respondent-Appellant,

and

EDNA WHITLEY,

Respondent.

UNPUBLISHED
September 3, 1999

No. 212179
Oakland Circuit Court
Family Division
LC No. 86-044847 NA

Before: Markman P.J., and Saad and P. D. Houk*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (ii); MSA 27.3178(598.19b)(3)(c)(i) and (ii).¹ 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 the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), *In re Miller*, 433 Mich 331; 445 NW2d 161 (1989). Moreover, contrary to what respondent-appellant asserts, termination was fully authorized by MCR 5.974. Nor does respondent-appellant contend that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re*

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

Hall-Smith, 222 Mich App 470, 473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondent-appellant's parental rights to the children. *In re Hall-Smith, supra*.

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk

¹ Respondent-appellant also asserts that his parental rights were terminated under § 19b(3)(g), but the record does not indicate that termination was ordered pursuant to that statutory subsection.