

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ROBERT PRESTON and DAKOTA  
PRESTON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAUL PRESTON, SR.,

Respondent-Appellant,

and

TINA MCCAIN,

Respondent.

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UNPUBLISHED

April 18, 2000

No. 220045

Ogemaw Circuit Court

Family Division

LC No. 97-010681

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington\*, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted the family 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).<sup>1</sup> We affirm.

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 Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant does not specifically argue, nor does the record indicate, 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). Thus, we find no clear error in the family court's decision to terminate respondent-appellant's parental rights to

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

the children. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); see also *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998).

We decline to address respondent-appellant's claim involving the family court's decision at the permanency planning hearing because it does not involve a jurisdictional impediment to the family court's authority to entertain the termination petition and our affirmation of the court's decision to terminate renders this issue moot. See *Contesti v Attorney General*, 164 Mich App 271, 278; 416 NW2d 410 (1987), *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991).

Affirmed.

/s/ Roman S. Gribbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington

<sup>1</sup> Contrary to respondent-appellant's argument on appeal, the record indicates that the family court did not terminate his parental rights under §§ 19b(3)(b)(ii) or (j), but instead relied solely on §§ 19b(3)(c)(i) and (g).