

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEJA RITA DEERING, JASMINE
CIERA GRAFTON, and NIKKO CARTENUS
FOREMAN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICKO LEMONG FOREMAN,

Respondent-Appellant,

and

MONICA JOY GRAFTON and JUWAN
KWUMAR DEERING,

Respondents.

In the Matter of DEJA RITA DEERING, JASMINE
CIERA GRAFTON, and NIKKO CARTENUS
FOREMAN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JUWAN KWUMAR DEERING,

Respondent-Appellant,

and

UNPUBLISHED
December 26, 2000

No. 223650
Wayne Circuit Court
Family Division
LC No. 94-322559

No. 224074
Wayne Circuit Court
Family Division
LC No. 94-322559

MONICA JOY GRAFTON and RICKO LEMONG
FOREMAN,

Respondents.

Before: Doctoroff, P.J., and Cavanagh and Meter, JJ.

MEMORANDUM.

Respondents Ricko Foreman and Juwan Deering appeal as of right from a family court order terminating their parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (g) and (j).¹ We affirm.

We review a family court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). If the court determines that the petitioner has proven by clear and convincing evidence one or more statutory grounds for termination, it must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra* at 351-354.

We agree with respondents that the court clearly erred when it found that grounds for termination pursuant to MCL 712A.19b(3)(a)(ii) and (j); MSA 27.3178(598.19b)(3)(a)(ii) and (j) were proven by clear and convincing evidence. However, the court did not clearly err in finding that termination was warranted with respect to both respondents under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). Review of the record indicates that petitioner presented clear and convincing evidence that both respondents failed to provide care or custody for their respective children, and there was no likelihood that they would be able to provide the necessary care or custody within a reasonable time. Although the court erred regarding the other grounds for termination, only one statutory ground need be established to terminate respondents' parental rights. *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999). Furthermore, the court did not clearly err when it found that termination was in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Respondent Foreman argues that the court erred by making inconsistent findings regarding his completion of parenting classes. Although we agree that there was inconsistency in the written findings of fact, whether respondent completed the classes was not a key consideration in this case. Because the error did not affect the outcome, we conclude that it was harmless. MCR 5.902(A) and 2.613(A); *In re Hamlet*, 225 Mich App 505, 518; 571 NW2d 750 (1997), overruled on other grounds 462 Mich 341 (2000).

¹ The court also terminated the parental rights of the children's mother, Monica Grafton. She has not appealed the court's decision.

Respondent Deering argues that he was denied effective assistance of counsel because of his attorney's late arrival at the hearing. In this case, Deering has failed to demonstrate the requisite prejudice to establish that the assistance of his counsel was ineffective. *In re Rogers*, 160 Mich App 500, 502; 409 NW2d 486 (1987); *People v Avant*, 235 Mich App 499, 507; 597 NW2d 864 (1999).

Affirmed. Petitioner's request for immediate relief under MCR 7.215(E) is denied.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Patrick M. Meter