

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSEPH BRICKEY and JEROME
BRICKEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NAOMI GRAY,

Respondent-Appellant,

and

JOSEPH BRICKEY,

Respondent.

UNPUBLISHED

January 25, 2002

No. 234052

St. Clair Circuit Court

Family Division

LC No. 99-000820

Before: Sawyer, P.J., and O'Connell and Zahra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii), and (j). We affirm.

The trial court clearly erred in terminating respondent-appellant's parental rights under MCL 712A.19b(3)(c)(i) where the evidence did not show that the conditions that led to the court's adjudication of the children continued to exist at the time of the permanent custody trial. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). However, the trial court's error was harmless where clear and convincing evidence supported termination of respondent's parental rights under §§ 19b(3)(c)(ii) and (j). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ David H. Sawyer
/s/ Peter D. O'Connell
/s/ Brian K. Zahra