

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.D.H., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

DION HARDMAN,

Respondent-Appellant,

and

MARCIA SIMS,

Respondent.

UNPUBLISHED

July 9, 2002

No. 236838

Jackson Circuit Court

Family Division

LC No. 00-003169-NA

Before: Hood, P.J., and Saad and E. M. Thomas,* JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), and (h). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that MCL 712A.19b(3)(a)(ii) and (c)(i) were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The trial court did err in finding that MCL 712A.19b(3)(h) was established by clear and convincing evidence in that it retroactively applied the two-year time period contemplated by §19b(3)(h). *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992). However, this error was harmless in light of the fact that termination was proper under subsections 19b(3)(a)(ii) and (c)(i).

Additionally, the trial court did not err in finding that termination was not contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407

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

(2000). Therefore, the trial court did not clearly err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas