

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of P.P., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

JAMES H. PAGE,

Respondent-Appellant,

and

ELIZABETH L. THOMPSON,

Respondent.

UNPUBLISHED
November 1, 2002

Nos. 235940
Wayne Circuit Court
Family Division
LC No. 97-354096

In the Matter of P.P., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

ELIZABETH THOMPSON,

Respondent-Appellant,

and

JAMES H. PAGE,

Respondent.

No. 237833
Wayne Circuit Court
Family Division
LC No. 97-354096

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

In Docket No. 235940, respondent James H. Page appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(i) and (j). In Docket No. 237833, respondent Elizabeth Thompson appeals by leave granted from the same order, which terminated her parental rights to the minor child under MCL 712A.19b(3)(i) and (j). These appeals are being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Docket No. 235940

The trial court clearly erred in finding that § 19b(3)(i) was established by clear and convincing evidence with respect to respondent Page because this Court reversed the trial court's prior order terminating his parental rights to a sibling of P.P. *In the Matter of D.D.T., D.D.T., H.L.T., E.D.T., E.A.T., A.N.L., Y.B.P., and N.J.A.T., Minors*, unpublished opinion per curiam of the Court of Appeals, decided March 29, 2002 (Docket Nos. 229475 and 229605). However, the evidence that respondent Page failed to protect P.P. from respondent Thompson's neglect, that Page had unstable living conditions, and that he hindered an FIA investigation of child abuse supports the trial court's findings that there was a reasonable likelihood that P.P. would be harmed if he was returned to respondent Page's home. Thus, the trial court did not clearly err in finding that § 19b(3)(j) was established by clear and convincing evidence with respect to respondent Page. 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).

Further, the evidence did not show that termination of respondent Page's parental rights was clearly not in the child'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 Page's parental rights to the child.

Docket No. 237833

The trial court also did not clearly err in finding that the statutory grounds were established by clear and convincing evidence with respect to respondent Thompson. 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 Thompson's history with protective services, her lack of housing, and her history of residing in filthy and unsanitary living conditions made it reasonably likely that P.P. would be harmed if he was returned to respondent Thompson's home. Further, the evidence did not show that termination of respondent Thompson's parental rights was clearly not in the child'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 Thompson's parental rights to the child.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra