

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTHONY C. FERRIS and
RICHARD HAROLD FERRIS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD FERRIS, JR.,

Respondent-Appellant,

and

TINA MOGGO,

Respondent.

UNPUBLISHED

July 16, 1999

No. 213734

Antrim Circuit Court

Family Division

LC No. 98-000040 NA

Before: Holbrook, Jr., P.J., and Zahra and J.W. Fitzgerald,* JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the family court order terminating his parental rights to the minor children. We affirm, but remand to the lower court to amend the termination order by including the statutory ground(s) for termination.

Contrary to respondent-appellant's argument, the trial court's failure to explicitly state the statutory grounds for termination in its order, in accordance with MCR 5.974(G)(3), does not mandate that this Court reverse or vacate the order. Where it is clear from the court's findings of fact and conclusions of law that termination of parental rights was appropriate under one or more statutory subsections, reversal is not required. Cf. *In re Toler*, 193 Mich App 474, 476; 484 NW2d 672

* Former Supreme Court justice, sitting on the Court of Appeals by assignment.

(1992). Failure to strictly comply with a court rule does not necessarily require reversal. *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991).

Here, the trial court's findings of fact and conclusions of law indicate that its decision to terminate respondent-appellant's parental rights was based on at least one of the following statutory grounds: MCL 712A.19b(3)(a)(ii); MSA 27.3178(598.19b)(3)(a)(ii) [desertion of the child for 91 or more days without seeking custody during that period]; MCL 712A.19b(3)(i); MSA 27.3178(598.19b)(3)(i) [parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or abuse, and prior attempts to rehabilitate the parent has been unsuccessful]; and MCL 712A.19b(3)(l); MSA 27.3178(598.19b)(3)(l) [parent's rights to another child were terminated as a result of proceedings under § 2(b) or a similar law of another state].

We find that each of the statutory grounds above were established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); MCR 5.974(I). The record revealed that respondent-appellant failed to contact or provide support for Anthony or Richard for over two years, despite the opportunity to do so, and that respondent-appellant's parental rights to his daughter Caitlin, the boys' sister, were terminated due to abuse and/or neglect and that respondent failed to comply with the court's orders in that case. Accordingly, the statutory requirements of §§ 19b(3)(a)(ii), (3)(i), and (3)(l) were satisfied.

Affirmed, but remanded for amendment of the termination order to include the specific statutory ground(s) for termination. We do not retain jurisdiction.

/s/ Donald E. Holbrook, Jr.

/s/ Brian K. Zahra

/s/ John W. Fitzgerald