STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JESSICA N. KIBBY and JASMINE D. KIBBY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CLARENCE KIBBY, a/k/a CLARENCE KIRBY,

Respondent-Appellant.

UNPUBLISHED
October 12, 1999

No. 214877
Oakland Circuit Court
Family Division
LC No. 90-051872 NA

Before: Griffin, P.J., and Zahra and Pavlich*, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). 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 the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent argues that the trial court erred in admitting evidence that the children were doing well in their placement with their maternal grandmother. However, respondent failed to preserve this issue by objecting to this testimony at the termination hearing. *People v Stimage*, 202 Mich App 28, 29-30; 507 NW2d 778 (1993). Accordingly, appellate review is foreclosed absent manifest injustice. *Id.* Considering the evidence of respondent's continuing alcohol/drug problem, and the fact that the trial judge specifically indicated that he was not taking the challenged evidence into consideration, manifest injustice has not been shown.

Respondent also claims that the trial court erred in admitting the testimony of caseworker Jeanette Roth, to the effect that respondent did not "internalize" the information presented to him in

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

parenting classes and that respondent had an "addictive personality." Again, because respondent failed to object to this testimony at the termination hearing, appellate review is foreclosed absent manifest injustice. *Stimage*, *supra* at 29-30. We conclude that the admission of this testimony did not result in manifest injustice in light of the other properly admitted evidence presented at the termination hearing, which supported termination of respondent's parental rights. Moreover, apart from Roth's testimony, there was testimony that the parenting class instructor did not believe that respondent had internalized the concepts taught in parenting class. Additionally, Roth's testimony that respondent had an addictive personality was harmless in light of the other evidence presented, which was not challenged at the termination hearing and has not been challenged on appeal, demonstrating that respondent had a long-term substance abuse problem and was still using alcohol and cocaine two-and-a-half months prior to the termination hearing.

Finally, respondent failed to show that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(498.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the trial court did not err in terminating respondent's parental rights to the children. *Id.*

Affirmed.

/s/ Richard Allen Griffin
/s/ Brian K. Zahra
/s/ Scott L. Pavlich