

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KRISTIE LEWIS and TYLER
RAYMOND, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NANCY LEWIS,

Respondent-Appellant,

and

WELLINGTON LEWIS, ANTHONY LINCOLN,
and MERLIN RAYMOND,

Respondents.

UNPUBLISHED

July 7, 2000

No. 221875

Genesee Circuit Court-

Family Division

LC No. 97-109315-NA

Before: Jansen, P.J., and Hood and Saad, JJ.

PER CURIAM.

Respondent-Appellant (“respondent”) appeals as of right from a family court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii) and (c)(i); MSA 27.3178(598.19b)(3)(b)(ii) and (c)(i). We affirm.

Although the statutory grounds for termination were not explicitly stated on the record, the family court’s ruling from the bench at the conclusion of the hearing made it clear that the court was relying on the statutory grounds for termination cited in the petition, §§ 19b(3)(b)(ii), (c)(i), and the testimony of the agency foster care worker. MCR 5.974(G); *In re Conley*, 216 Mich App 41, 44; 549 NW2d 353 (1996). Cf. *In re Toler*, 193 Mich App 474, 476; 484 NW2d 672 (1992). This constitutes sufficient compliance with the court rule. *Conley, supra*.

Respondent next argues that the family court's findings were clearly erroneous to the extent that its reliance on the testimony of agency worker Arlette Allen was based on the mistaken belief that Allen had been involved in the case for 1½ years. This argument does not provide a basis for overturning an otherwise valid termination order. The family court judge was mistaken when he stated that Allen had been involved in the case for 1½ years, given her own testimony that she had been with the agency for 10½ months. The confusion most likely arose from Allen's testimony that the children had been in foster care "[s]ince '97, so a year and-a-half." We do not find that the judge's slight misstatement warrants reversal.

Lastly, respondent argues that clear and convincing evidence was not presented regarding § 19b(3)(b)(ii). First, a court may order termination of a parent's rights when clear and convincing evidence establishes that at least one statutory ground for termination exists. MCL 712A.19b(3); MSA 27.3178(598.19b)(3); MCR 5.974(F)(3). Because termination in this case was based on two statutory grounds, respondent's challenge on one ground does not provide a basis for reversal. See *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Second, under § 19b(3)(b)(ii), the FIA must show that a parent "had the opportunity to prevent" physical injury or physical or sexual abuse and failed to do so. Furthermore, there must be a "reasonable likelihood that the child will suffer injury or abuse in the foreseeable future if placed in the parent's home." These showings have been made in the present case, given the evidence that respondent was aware of Merlin Raymond's sexual abuse of his biological daughter, respondent believed that Raymond had sexually abused Kristie, and respondent openly defied the provision of the parent/agency agreement that required her not to cohabitate with Raymond or to allow her children to have contact with him. See *In re Sours*, 459 Mich 624; 593 N.W.2d 520 (1999). Accordingly, the family court did not clearly err in finding that this statutory ground was established by clear and convincing evidence. MCR 5.974(I).

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad