

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.L., J.L., and S.L., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICARDO LEIJA, JR.,

Respondent-Appellant,

and

CHRISTINE GARRETT,

Respondent.

UNPUBLISHED

November 19, 2002

No. 240114

Calhoun Circuit Court

Family Division

LC No. 00-000832-NA

Before: Griffin, P.J., and Gage and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), and (g). We affirm.

Respondent-appellant first claims that the trial court's termination of his parental rights should be reversed based on a procedural error in the proceedings. However, respondent-appellant failed to preserve this issue for appellate review. Moreover, respondent-appellant has failed to show that it would be inconsistent with substantial justice to affirm the trial court's order. Any error committed by the trial court was harmless, and not a basis for reversal. MCR 5.902(A); 2.613(A); *In re TC*, 251 Mich App 368, 370-371; ___ NW2d ___ (2002).

Second, respondent-appellant argues the trial court clearly erred in finding that a statutory ground for termination was established by clear and convincing evidence. We disagree. The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence. 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-appellant does not challenge the trial court's finding that termination was in the children's best interests. In any event, the evidence

did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The proofs and the trial court found that respondent never provided suitable housing and that he continues to drink although an admitted alcoholic. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter