

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C.E.N., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CARLOS EDWARD NORMAN,

Respondent-Appellant,

and

MARLISSA BURRELL,

Respondent.

In the Matter of C.E.N., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARLISSA ROBERTA BURRELL,

Respondent-Appellant,

and

CARLOS EDWARD NORMAN,

Respondent.

UNPUBLISHED

August 23, 2002

No. 235143

Wayne Circuit Court

Family Division

LC No. 99-375143

No. 235300

Wayne Circuit Court

Family Division

LC No. 99-375143

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right the order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (b)(i), (g), (i), (j), and (k)(i). We affirm.

With regard to respondent Norman, the trial court did not err in finding clear and convincing evidence to support termination under MCL 712A.19b(3)(a)(ii), (g), and (j). *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993); MCR 5.974(I). The evidence established that Norman deserted the child for more than ninety days by failing to maintain contact with petitioner regarding preservation of his parental rights. The evidence also established that Norman did not enable himself to provide care for the child, or to address his special needs. With regard to respondent Burrell, the trial court did not err in finding clear and convincing evidence to support termination under subsections 19b(b)(i), (g), (i), and (j). The evidence established that Burrell previously lost parental rights to her children because she failed to address the substance abuse that interfered with her ability to care for them. Additionally, the evidence showed that Burrell had not resolved her substance abuse problem.

The trial court clearly erred in citing subsection 19b(k)(i) as grounds to terminate either respondent's parental rights. However, this error is harmless because the trial court is required only to find grounds for termination under one statutory provision. *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999).

Burrell also argues that termination was not in the minor child's best interests. When the petitioner establishes by clear and convincing evidence that a statutory basis or bases for termination exists, the court must order termination of parental rights unless it finds from evidence on the record that termination is not in the child's best interests. MCL 712A.19b(5), *Trejo, supra* at 353. Here, the trial court did not clearly err in declining to find that termination was not in the child's best interests.

Affirmed.

/s/ Helene N. White
/s/ Janet T. Neff
/s/ Kathleen Jansen