

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL PERRY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAULA PERRY,

Respondent-Appellant,

and

RICHARD BOODY,

Respondent.

UNPUBLISHED

October 25, 2007

No. 278311

Jackson Circuit Court

Family Division

LC No. 96-019130-NA

Before: Zahra, P.J., and White and O'Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(a)(ii), (i), (j), and (l). We affirm.

The trial court's finding that termination was warranted under subsection (3)(j) is supported by ample evidence on the record regarding respondent-appellant's ongoing drug use, homelessness, and criminality. Termination of respondent-appellant's parental rights under subsection (3)(l) is also warranted because it is undisputed that respondent-appellant's parental rights were previously terminated to another child within the meaning of that subsection. In light of the record, the trial court did not clearly err in finding that clear and convincing evidence warranted termination on these grounds. See *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005); MCR 3.977(J).¹ For the same reasons, the record also supports the trial

¹ We disagree, however, with the trial court's finding that termination was warranted under subsection (3)(a)(ii) and (i). There is no support on the record for the finding that respondent-
(continued...)

court's finding that termination was not contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Brian K. Zahra
/s/ Helene N. White
/s/ Peter D. O'Connell

(...continued)

appellant deserted the child for 91 or more days without seeking custody. Although respondent-appellant's parental rights to a sibling of the child were previously terminated, there is no indication on the record that the basis of that termination was serious and chronic neglect or physical or sexual abuse. Error in terminating respondent-appellant's parental rights under subsection (3)(a)(ii) and (i), however, is harmless because clear and convincing evidence supporting termination under a single ground is sufficient. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).