STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of E.U.H., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ERIC U. HOLMAN,

Respondent-Appellant.

UNPUBLISHED
November 20, 2007

No. 277245
Genesee Circuit Court
Family Division
LC No. 04-118855-NA

Before: Wilder, P.J., and Cavanagh and Fort Hood, JJ.

PER CURIAM.

Respondent Eric Holman appeals as of right the termination of his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (j), and (l). We affirm.

E.U.H. was removed at the hospital after testing positive for cocaine and benzodiazepines shortly after her birth. A neglect petition was filed against respondent and the mother, Crystal Vliet, in October 2004. Allegations against respondent included drug abuse, criminality, involvement in prostitution ("pimping"), and domestic violence. Respondent and Vliet were initially uncooperative and refused to speak with DHS. After several preliminary hearings and a jurisdictional trial in February and March 2005, the court took jurisdiction and an order of adjudication and disposition was entered on April 4, 2005. Respondent and Vliet were ordered to turn in drug screens, attend domestic violence and parenting classes, obtain and maintain suitable housing and employment, complete a psychological evaluation and follow recommendations, and attend visitations.

Vliet died in May 2005 at the age of 20. Respondent completed parenting classes and a psychological evaluation, and complied with visitation when visits were not suspended because of positive screens. However, the trial court found minimal compliance with the rest of the parent agency agreement (PAA) and terminated respondent's parental rights to E.U.H. on March 23, 2007.

Respondent first contends that the court erred in allowing amendment of the termination petition on the first day of the termination hearing to add reference to MCL 712A.19b(3)(l). Subsection (l) deals with termination of parental rights where a parent has previously had rights to a child terminated. While we agree that the amendment was tardy, we find no reversible error. The court had properly taken jurisdiction under MCL 712A.2(b), *In re CR*, 250 Mich App 185, 203; 646 NW2d 506 (2002), and clearly had personal and subject matter jurisdiction. As the court noted, the prior termination order was a matter of public record, and the court was entitled to have all relevant evidence regarding parental fitness brought forth at the hearing.

Further, a petition may be amended at any stage of the proceedings as justice requires. MCL 712A.11(6); *In re Slis*, 144 Mich App 678, 684; 375 NW2d 788 (1985). Here, the comments of respondent's attorney showed that he had had enough time to consider the issue and to argue defects in the prior proceeding. Additional time to prepare would not have made a difference, given that the prior termination order could not be collaterally attacked. Moreover, any error was harmless because clear and convincing evidence of only one statutory ground is necessary to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). The evidence was sufficient under subsections (c)(i) and (j).

Respondent's second contention was that he was denied his right to a separate hearing concerning the best interests of the child. Respondent cites *In re AMAC*, 269 Mich App 533, 538; 711 NW2d 426 (2006), but this case does not hold that a separate best interests hearing is required. *AMAC* involved a petition seeking termination at initial disposition, and the respondent was never afforded any opportunity to present best interests evidence. Here, in contrast, respondent was provided opportunity to and did present evidence concerning the child's best interests. At the termination hearing, he presented testimony from Richard Hogan and Rena Keel indicating that he loved his children and was a good father to his sons. He also sought therapy and a psychiatric evaluation on his own. A separate best interests hearing was not required, and we find no error.

Lastly, respondent maintains that the lower court failed to state a statutory basis for the termination and did not make sufficient findings of fact and conclusions of law. "Brief, definite, and pertinent" findings and conclusions on contested matters are required by MCR 3.977(H)(1). Respondent further cites MCR 3.977(H)(3), stating that parental rights may not be terminated unless the court states findings and conclusions and includes the statutory basis for its order. We find sufficient compliance with these requirements.

The trial judge issued a lengthy opinion from the bench clearly outlining his reasons, factual findings, and legal conclusions. The court paraphrased the language of MCL 712A.19b(3)(c)(1), (j), and (l) and referred to dangerous and unsuitable conditions in the home, respondent's history of domestic violence and drug abuse, nonsupport of six children, and problems with mental and physical health and finances. These circumstances supported the court's finding that there was a reasonable likelihood that the child would suffer at least emotional harm in respondent's care, MCL 712A.19b(3)(j), and that the conditions that brought

the child into care were not rectified and would not likely be rectified within a reasonable time, MCL 712A.19b(3)(c)(i). The court also made sufficient findings on best interests. See *In re Gazella*, 264 Mich App 668, 677-678; 692 NW2d 708 (2005). These findings were supported by clear and convincing evidence. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Kurtis T. Wilder
/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood