

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAMION TAJH WAITE, JADEN
ALEXANDER WAITE, and JUAN DANIEL
RAMIREZ, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRANDI WAITE,

Respondent-Appellant,

and

JUAN C. RAMIREZ and ARNULFO HERRERA,

Respondents.

Before: Davis, P.J., and Murphy and White, JJ.

PER CURIAM.

Respondent Brandi Waite appeals as of right from the trial court's order terminating her parental rights to the minor children. We affirm.

The trial court did not clearly err in finding that statutory grounds for termination pursuant to MCL 712A.19b(3)(g) and (j) were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence shows that respondent had a longstanding substance abuse problem that she was unable to resolve. During the 14-month pendency of these proceedings, respondent withdrew from three different residential treatment programs and submitted several positive drug screens. She again tested positive for cocaine in April 2007, approximately a week before the termination hearing began. Additionally, after the termination petition was filed in March 2007, respondent became involved in a criminal scheme to trade stolen goods for drugs or drug money. Although respondent testified that she had renewed her efforts at treatment shortly before the termination hearing and believed that she could now achieve sobriety, the trial court did not clearly err in finding that respondent's last-minute efforts were insufficient to avoid termination in light of her history. *Fletcher v Fletcher*, 229 Mich App

19, 28; 581 NW2d 11 (1998). The trial court did not clearly err in finding that termination of respondent's parental rights was justified under §§ 19b(3)(g) and (j).

Respondent argues that the trial court erred in also relying on MCL 712A.19b(3)(c)(i) as an additional statutory basis for termination because petitioner did not cite this statutory ground in the supplemental petition. However, the factual basis for the trial court's reliance on this subsection was respondent's unresolved substance abuse problem, and the petition clearly informed respondent that termination of her parental rights was sought because of her continued substance abuse. A petition alleging neglect with specific factual allegations is adequate to provide due process to the respondent, even if it does not state the specific statutory ground under which termination is sought. *In re Slis*, 144 Mich App 678, 684; 375 NW2d 788 (1985). In any event, the trial court is only required to find a single statutory ground for termination. In light of our determination that grounds for termination were sufficiently established under §§ 19b(3)(g) and (j), any error in relying on § 19b(3)(c)(i) was harmless. *In re Sours, supra* at 632.

We find no merit to respondent's contention that the trial court failed to make sufficient findings of fact and conclusions of law as required by MCR 3.977. The court rule requires the trial court to state on the record or in writing its findings of fact and conclusions of law. "Brief, definite, and pertinent findings and conclusions on contested matters are sufficient" to satisfy the court rule. MCR 3.977(H)(1). Here, the trial court issued a 13-page written opinion that contains the court's findings of fact and conclusions of law, and includes the court's reasoning for each applicable statutory ground for termination. The court's opinion is sufficient to satisfy the requirements of the court rule.

Finally, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5), *In re Trejo, supra* at 354. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Alton T. Davis
/s/ William B. Murphy
/s/ Helene N. White