

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ROBERT CHISENHALL II and
MATTHEW LYNN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JODY INMAN,

Respondent-Appellant.

UNPUBLISHED

May 20, 2008

No. 281644

Wayne Circuit Court

Family Division

LC No. 07-469552-NA

Before: Donofrio, P.J., and Sawyer and Murphy, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (j), and (k)(v). We affirm.

Initially, respondent's reliance on *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993), to argue that the trial court was required to find evidence of long-term future neglect is misplaced. MCL 712A.19b(3), enacted 30 years after *Fritts* was decided, now governs when termination may be ordered. Section 19b(3)(g) only requires proof of neglect that will not be remedied "within a reasonable time considering the child's age" and § 19b(3)(j) only requires proof that the child is likely to be harmed if returned to the parent's home.

The trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were each established by clear and convincing evidence. *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). The children had been court wards from October 2005 until April 2007. Despite court intervention and participation in services, respondent failed to keep medications and other toxic substances out of the reach of her children. The youngest child ingested something toxic that included opiates and became severely ill. Respondent delayed seeking medical treatment until the child became unresponsive and was near death because she was more concerned about concealing the event from protective services.

Although we question the applicability of § 19b(3)(k)(v) to the circumstances presented here, any error in relying on that subsection is harmless because the trial court properly found

that termination was warranted on the other grounds cited. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Finally, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights to the children. *Trejo, supra* at 356-357.

Affirmed.

/s/ Pat M. Donofrio

/s/ David H. Sawyer

/s/ William B. Murphy