STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JOHN EDWIN DAWSON III,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KIMBERLY GORDON,

Respondent-Appellant,

and

JOHN E. DAWSON II,

Respondent.

UNPUBLISHED
May 5, 2009

No. 285348
St. Clair Circuit Court
Family Division
LC No. 07-000160-NA

Before: Borrello, P.J., and Murphy and M.J. Kelly, JJ.

MEMORANDUM.

Respondent Kimberly Gordon appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were each established by clear and convincing evidence. MCR 3.977(G); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The child came into care because respondent was unable to provide stable housing, lacked any income with which to support the child, and had unresolved substance abuse issues that led to a drunk driving conviction and ultimately resulted in her incarceration. Following her release from jail, respondent did little to comply with the service plan for reunification. At the time of the termination hearing, which was held more than a year after the child first entered care, respondent had not completed the outreach portion of the parenting classes, had not complied with the service plan components regarding substance abuse, had not gone to counseling to address the problems that led to the loss of custody, and had only visited the child sporadically. She also waited until the last minute to obtain housing and employment, but there was no showing that either situation was stable or appropriate and sufficient for the child. Under the circumstances, the trial court properly found that termination was warranted

under §§ 19b(3)(c)(i) and (g). Therefore, any error in relying on § 19b(3)(j) was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Contrary to what respondent argues, petitioner was not required to prove that she would neglect her children for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). That decision predates the enactment of § 19b(3), which now governs the criteria for termination.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, *supra* at 354; MCL 712A.19b(5). Thus, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo*, *supra* at 356-357.

Affirmed.

/s/ Stephen L. Borrello
/s/ William B. Murphy
/s/ Michael J. Kelly