

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JARMEISHA JANITA WILSON,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LESA MORALES,

Respondent-Appellant,

and

JOSEPH MORALES,

Respondent.

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UNPUBLISHED

April 22, 2010

No. 294906

Saginaw Circuit Court

Family Division

LC No. 08-031653-NA

Before: SAAD, P.J., and HOEKSTRA and MURRAY, JJ.

PER CURIAM.

Respondent Lesa Morales appeals from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *Sours*, 459 Mich at 632-633.

Termination of respondent's parental rights was proper under MCL 712A.19b(3)(c)(i) and (g) because the conditions that led to the adjudication continued to exist, and because respondent was unable to provide proper care and custody of Jarneisha. Respondent's unstable mental health, drug and alcohol abuse, housing issues, and involvement with a man who had been violent toward her and Jarneisha led to the adjudication.

By the time of the permanent custody hearing, respondent continued to be involved with a boyfriend who had issues with domestic violence and who refused to seek therapy to address those issues. She had not obtained suitable, independent housing or demonstrated an extended period of mental stability or sobriety so that she could provide proper care to Jarneisha. Respondent failed to demonstrate that she had stopped using alcohol and drugs, and she admitted to using alcohol as recently as April 2009. Although respondent denied cocaine use, she tested positive for cocaine on August 10, 2009, and minimized her drug use when she claimed that the marijuana she used must have been laced with cocaine. There is no evidence respondent attended drug treatment or Alcoholics Anonymous. Respondent admitted to being an alcoholic for the past 26 years. However, she never recognized her alcoholism as a serious problem and never acknowledged how it interfered with raising Jarneisha. Throughout the case, respondent never achieved stability with her mental health issues, in part because she continued using drugs and alcohol, which interfered with the medications she was prescribed to treat her bipolar disease. Respondent also needed more therapy to maintain stability and properly treat her mental illness. However, she could not maximally benefit from therapy because she was not truthful with her therapist about her continuing use of drugs and alcohol. Moreover, she jeopardized her mental health and stability by not taking her medication as prescribed. Thus, the trial court did not err in findings that MCL 712A.19b(3)(c)(i) and (g) had been established.

Furthermore, Jarneisha would be exposed to risk of harm if returned to respondent's care because she never demonstrated a significant period of sobriety. Likewise, respondent's live-in boyfriend's refusal to seek counseling to resolve issues of domestic violence and aggression put Jarneisha at risk of emotional harm. Although respondent argues that Jarneisha never sustained any harm in respondent's care, this contention is unsupported by the trial court's record. Jarneisha fell behind in school because respondent could not provide her with a stable home environment. She also suffered emotional harm when she witnessed respondent's boyfriend perpetrate domestic violence. Thus, the trial court did not err in finding that MCL 712A.19b(3)(j) had been established.

Finally, although the trial court erred in failing to make a best interests determination, the error was harmless. The plain language of MCL 712A.19b(5) required the trial court to affirmatively find that termination of respondent's parental rights was in Jarneisha's best interests. Although the trial court did not make such a finding on the record, this error does not warrant reversing the order terminating respondent's parental rights. MCR 2.613(A) provides that a trial court's error in issuing a ruling or order, or an error in the proceedings is not grounds for this Court to reverse or otherwise disturb the judgment or order, unless this Court believes failure to do so would be inconsistent with substantial justice.

Here, substantial justice is served by affirming the trial court's decision. The record is replete with evidence that would justify finding that termination is in the child's best interests. Respondent had not achieved mental stability or adequately addressed her substance abuse and alcohol addiction. Respondent never obtained independent, suitable housing, and she continued living with her boyfriend who perpetrated domestic violence against respondent and behaved aggressively toward Jarneisha. Termination of parental rights is in Jarneisha's best interests because respondent is not able to provide her with a safe and stable home environment. Thus, we find that any error committed by the trial court when it failed to specifically address the child's best interests is harmless.

Affirmed.

/s/ Henry William Saad

/s/ Joel P. Hoekstra

/s/ Christopher M. Murray