

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of B.E.L., Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JERRY LEE LAWSON,

Respondent-Appellant,

and

HEATHER LAWSON,

Respondent.

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UNPUBLISHED

April 27, 2010

No. 294800

Genesee Circuit Court

Family Division

LC No. 05-119748-NA

Before: JANSEN, P.J., AND CAVANAGH AND K. F. KELLY, JJ.

MEMORANDUM.

Respondent father appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

Respondent first argues that the trial court erred by finding that clear and convincing evidence supported at least one statutory ground for termination. We disagree. A trial court may terminate parental rights if it finds that at least one statutory ground for termination has been proven by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Here, clear and convincing evidence supported the court's decision to terminate respondent's rights under § 19b(3)(j). The evidence showed that respondent refused to recognize the significant risk of harm to the child presented by the child's mother, who had severely abused another child and was convicted of child abuse, and who had lost her parental rights to three of her other children. Despite the risk of harm that she presented, respondent continued to reside with her knowing that it was a barrier to reunification. Because termination was proper under § 19b(3)(j), any error in relying on § 19b(3)(g) as an additional ground for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent also argues that termination was not in the child's best interests. Again, we disagree. At the outset, we note that the trial court erred by applying the pre-amendment version

of MCL 712A.19b(5) when it found that termination of respondent's parental rights was "not contrary to the child's best interests." As amended by 2008 PA 199, effective July 11, 2008, the statute now requires that once a statutory ground for termination has been established, a court must affirmatively find that termination is in the child's best interests before parental rights may be terminated. Respondent did not challenge the trial court's reliance on the pre-amendment version of the statute below, and does not raise that issue on appeal. Nonetheless, under the circumstances here, the court's error was harmless. See *In re Hansen*, 285 Mich App 158, 164-165; 774 NW2d 698 (2009). Respondent never had custody of the child or any of his other children, he had not bonded with the child, and he continued to reside with the child's mother who was clearly incapable of safely parenting a child. Thus, the evidence justified a finding that termination of respondent's parental rights was in the child's best interests under the correct standard.

Affirmed.

/s/ Kathleen Jansen  
/s/ Mark J. Cavanagh  
/s/ Kirsten Frank Kelly