

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 26, 2011

In the Matter of B. D. GRABOWSKI, Minor.

No. 302057
Oakland Circuit Court
Family Division
LC No. 10-775944-NA

Before: BORRELLO, P.J., and METER and SHAPIRO, JJ.

MEMORANDUM.

Respondent V. Grabowski appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), and (j). For the reasons set forth in this memorandum, we affirm.

In this case respondent admitted that her parental rights to another child had been terminated. Termination was appropriate under § 19b(3)(i) because respondent had a long-term history of substance abuse and, despite treatment in several programs, she continued to struggle with relapsing. Respondent admitted to substance abuse, mental health problems and drug use during the prior termination proceeding in November of 2009. Furthermore, she also admitted to using alcohol after her parental rights were terminated in November 2009. In August 2010, when respondent gave birth to the child at issue in this appeal, she was homeless and committed to a psychiatric ward. The infant tested positive for cocaine and marijuana at birth. Hence, the trial court did not clearly err in finding that § 19b(3)(i) was established by clear and convincing legally admissible evidence. MCR 3.977(E)(3) and (K). See, *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008).

Because termination was proper under § 19b(3)(i), it is unnecessary to determine whether termination of respondent's parental rights was also warranted under §§ 19b(3)(g) and (j). Any error in relying on those additional grounds was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Lastly, considering that the child was removed from respondent's custody at birth and respondent's history of substance abuse and mental health problems that prevented her from properly caring for a child, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Stephen L. Borrello
/s/ Patrick M. Meter
/s/ Douglas B. Shapiro