

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 4, 2013

In the Matter of D. C. THOMAS, Minor.

No. 313113
Wayne Circuit Court
Family Division
LC No. 12-507639-NA

Before: STEPHENS, P.J., and SAWYER and METER, JJ.

PER CURIAM.

Respondent J. Tidwell 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). We affirm.

The trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were each established by clear and convincing legally admissible evidence. *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); MCR 3.977(E)(3) and (K). The evidence showed that respondent had six children. The oldest three children were placed in a guardianship, due in part to respondent's substance-abuse problem. Respondent's parental rights to two other children were terminated in 2009 and 2011.¹ Respondent used cocaine and marijuana during her pregnancy with the child at issue in this appeal, and the child tested positive for cocaine at birth.² She also consumed a variety of pain medications not prescribed to her during a suicide attempt in March 2012, while she was pregnant with the child; this resulted in an eight-day hospitalization. Although respondent was offered liberal supervised visitation with the child, her attendance at visits significantly declined over time. Respondent did not visit the child at all in September 2012 and did not appear for the trial and dispositional hearing.

Considering respondent's substance abuse during her pregnancy with the child, and considering that respondent had been struggling with substance-abuse and mental-health issues for years and had yet to successfully resolve them, the trial court did not clearly err in finding that termination was justified under § 19b(3)(g). Further, because respondent's continued drug

¹ Respondent told a caseworker that she voluntarily relinquished her rights to one of the children but did not make the same statement with regard to the second child.

² Respondent claimed that the drug use occurred before she knew about the pregnancy and questioned the validity of the child's cocaine test.

use and unresolved mental-health issue (major depressive disorder) created a reasonable likelihood that the child would be harmed if returned to respondent's home, termination was also justified under § 19b(3)(j). We are not left with a "definite and firm conviction that a mistake has been made" with regard to the court's findings under §§ 19b(3)(g) and (j). See *In re Miller*, 182 Mich App 70, 81; 451 NW2d 576 (1990). Because termination was proper under §§ 19b(3)(g) and (j), any error in the court's reliance on § 19b(3)(i) as an additional ground for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Lastly, because respondent's unresolved substance-abuse and mental-health issues prevent her from providing a home that offers safety, stability, and permanency, 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/ Cynthia Diane Stephens

/s/ David H. Sawyer

/s/ Patrick M. Meter