STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DAVEON LAMARR EDWARDS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PATRICIA ANN EDWARDS, a/k/a PATRICIA A. EDWARDS, a/k/a PATRICIA ANN STRONG,

Respondent-Appellant.

UNPUBLISHED
July 17, 2007

No. 275502
Wayne Circuit Court
Family Division
LC No. 94-316358-NA

Before: Meter, P.J., and Talbot and Owens, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (i).[1] We affirm.

It was clear error, under the facts of this case, for the court to make the child a temporary ward of the court and give the respondent the opportunity to demonstrate her parenting abilities, rather than terminate respondent's rights. At the adjourned dispositional hearing on January 13, 2006, the court found "that under any section of Section 712A.19b(3) that the evidence is not clear and convincing to terminate the mother's rights to the children [sic, child]." This was clear error because not only had the mother stipulated that her parental rights to three prior children had been terminated, but the court had also admitted into evidence its order of August 7, 2000, terminating her parental rights to the three prior children. This evidence established MCL 712A.19b(3)(i) and (l) by clear and convincing evidence.

Notwithstanding the establishment of subsections (i) and (l) by clear and convincing evidence, the court erroneously stated that "[n]either (i) nor (l) mandates to the Court by the very reason of termination of parental rights that the Court must terminate the mother's parental

[1] Although respondent asserts that her parental rights were also terminated under § 19b(3)(c)(i), the record discloses that the trial court did not rely on that subsection as a basis for termination.

rights . . . ." To the contrary, once at least one statutory ground is proven by clear and convincing evidence, "the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made, unless the court finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5). Because the court did not find that termination was clearly not in the child's best interest, termination was mandatory.

However, this error was harmless with respect to the respondent, because she benefited from the erroneous opportunity she was given to comply with programs designed to assist her in becoming a non-neglectful parent and, therefore, possibly avoiding termination of her rights.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent's parental rights to three other children were terminated in 2000. Although respondent was given an opportunity to demonstrate her parenting abilities with respect to her latest child, she was unable to comply with many simple tasks and instructions, and she behaved irrationally and erratically during supervised visits with the child. Considering respondent's inability to manage basic matters, coupled with her history of mental illness and the previous termination of her parental rights to three other children, the trial court did not clearly err in finding that termination was warranted under §§ 19b(3)(g) and (i).

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

Affirmed.

/s/ Patrick M. Meter
/s/ Michael J. Talbot
/s/ Donald S. Owens