

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.S.S., M.M.S., D.D.S., J.R.C.,
D.D.C., and D.D.C., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHNNIE RUTH COOKSEY-SMITH,

Respondent-Appellant,

and

STACY SMITH,

Respondent.

UNPUBLISHED
February 18, 2003

No. 240803
Wayne Circuit Court
Family Division
LC No. 93-310553

Before: O'Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(ii), (g), (i), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court erred in terminating respondent-appellant's parental rights under § 19b(3)(c)(ii) because the evidence did not establish that new conditions existed that could not be rectified within a reasonable period of time. However, even if termination of parental rights is erroneous under one statutory ground, the error can be harmless if the court also properly found another statutory ground for termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000). Here, respondent-appellant's parental rights to another child were previously terminated for serious and chronic neglect. Therefore termination under § 19b(3)(i) was proper. Moreover, the trial court also did not clearly err in finding that the other statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell
/s/ E. Thomas Fitzgerald
/s/ Christopher M. Murray