

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BODHI SEAN CHIDDISTER,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANGELA MARIE MAROS, f/k/a ANGELA
MARIE MOSER,

Respondent-Appellant.

UNPUBLISHED

April 19, 2006

No. 266519

St. Joseph Circuit Court

Family Division

LC No. 04-000888-NA

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

MEMORANDUM.

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

Respondent first argues that the trial court erred in refusing to admit evidence from petitioner's file regarding alcohol use by the child's paternal grandmother, who also acted as the child's foster mother. We review a trial court's ruling regarding the admissibility of evidence for an abuse of discretion. *In re Caldwell*, 228 Mich App 116, 123; 576 NW2d 724 (1998). This Court will not reverse on the basis of an evidentiary issue unless it concludes that the court's ruling affected a party's substantial rights. MRE 103(a); MCR 2.613(A). Here, we find no error affecting respondent's substantial rights.

The issues at the permanent custody hearing were whether there was clear and convincing evidence of a statutory ground for termination and, if so, whether termination was clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Clearly, the evidence regarding alcohol use by the child's grandmother was not relevant to whether a statutory ground for termination was proven by clear and convincing evidence because the evidence did not relate to respondent. *In re Mathers*, 371 Mich 516, 530-531; 124 NW2d 878 (1963). While a child's placement may conceivably be relevant to whether termination is contrary to a child's best interests, we find no reversible error in the trial court's ruling here. The challenged evidence merely reflected the grandmother's decision not to abstain totally from

alcohol, and there was a wealth of evidence of respondent's inability to provide a stable home for her son. Therefore, any error in the trial court's ruling did not prejudice respondent.

Further, 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 Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence clearly demonstrated that respondent failed to comply with the services offered to her. At the permanent custody hearing, respondent continued to deny that she had a substance abuse problem. Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357.

Affirmed.

/s/ William B. Murphy
/s/ Peter D. O'Connell
/s/ Christopher M. Murray