

STATE OF MICHIGAN  
COURT OF APPEALS

---

*In re* I. C. FOSTER, Minor.

UNPUBLISHED  
October 16, 2014

No. 320681  
Oakland Circuit Court  
Family Division  
LC No. 13-812185-NA

---

Before: CAVANAGH, P.J., and JANSEN and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent R. Kovich appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (l). We affirm.

The trial court did not clearly err in finding that § 19b(3)(l) was established by clear and convincing legally admissible evidence. *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); see also MCR 3.977(E)(3) and (K). The prior termination order admitted into evidence established that respondent's parental rights to AW had been involuntarily terminated following the initiation of child protective proceedings. MCL 712A.19b(3)(l); *In re Jones*, 286 Mich App 126, 128; 777 NW2d 728 (2009).

Further, the trial court's reliance on § 19b(3)(l) did not violate respondent's due process right to notice of the allegations against him. Although § 19b(3)(l) was not alleged in the petition, the elements of that subsection are included within § 19b(3)(i), which was cited as a statutory basis for termination in the petition. The petition specifically alleged that respondent's parental rights to another child, AW, were previously terminated in October 2008, and it alleged that the prior termination order supported termination of respondent's parental rights to the child at issue in this matter. The allegations provided respondent with adequate notice of the applicability of § 19b(3)(l) as a potential basis for termination. See *In re Perry*, 193 Mich App 648, 650-651; 484 NW2d 768 (1992) (finding no due process violation where the allegations in the petition provided the respondent with adequate notice of the proofs he would have to present to overcome termination under an unpleaded ground).

Although the evidence in support of termination under § 19b(3)(g) was not as strong, because "[i]t is only necessary for the DHS to establish by clear and convincing evidence the existence of one statutory ground to support the order for termination of parental rights," *In re Frey*, 297 Mich App 242, 244; 824 NW2d 569 (2012), and the trial court did not err in finding that termination was justified under § 19b(3)(l), any error in relying on § 19b(3)(g) as an

additional ground for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Kathleen Jansen  
/s/ Amy Ronayne Krause