

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SADE JENNIFER COPPINS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CATHERINE COPPINS,

Respondent-Appellant.

UNPUBLISHED

April 15, 2004

No. 250711

Wayne Circuit Court

Family Division

LC No. 01-396014

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

Respondent appeals by delayed leave granted the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that MCL 712A.19b(3)(c)(i), (g), and (j), were established by clear and convincing evidence.¹ MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). 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); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence clearly demonstrated that respondent's mental illness prevented her from properly parenting the minor child. Moreover, respondent's denial of any mental illness and her refusal to take medication established clear and convincing evidence that there was no reasonable likelihood that respondent would be able to parent the minor child within a reasonable time considering the age of the child.

¹ Although we find that the trial court erred in relying on MCL 712A.19b(3)(a)(ii) as a basis for termination, the error was harmless because the other statutory grounds were established by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). One statutory ground is sufficient. § 19b(3).

Respondent also argues that her due process rights were violated by lack of notice that termination was being sought under §§19b(3)(a)(ii) and (g), because those statutory grounds were not cited in the petition for permanent custody. We disagree. We review unpreserved, constitutional issues for plain error. *People v Carines*, 460 Mich 750, 764; 597 NW2d 130 (1999). First, this Court agrees that termination under MCL 712A.19b(3)(a)(ii) was improper but finds that the error was harmless. Next, although MCL 712A.19b(3)(g) was not specifically cited in the petition, the petition did specifically list all of the allegations that comprised the factual basis for termination under this subsection, and for which evidence was presented. Accordingly, this defect was technical and did not erode the fact of actual notice. *In the Matter of Slis*, 144 Mich App 678, 684; 375 NW2d 788 (1985). Furthermore, because the trial court's decision is independently supported by MCL 712A.19b(3)(c)(i) and (j), any error in terminating under §19b(3)(g) would not require reversal.

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski