

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
March 15, 2011

In the Matter of HADER, Minors.

No. 300631
St. Clair Circuit Court
Family Division
LC No. 10-000195-NA

Before: SAWYER, P.J., and MARKEY and FORT HOOD, JJ.

MEMORANDUM.

Respondent A. Jeczen appeals by right the circuit court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (j), and (m). We affirm.

The trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were each established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K). Domestic violence and its deleterious impact on respondent's children were persistent problems. It led to the court's taking jurisdiction over two of respondent's other children. Respondent did not complete services for reunification and consented to the termination of her parental rights to those children. Respondent then became involved in an abusive relationship with the father of her two younger children. Respondent was unable to protect herself and the children and unwilling to seek help to end the cycle of violence. Clear and convincing evidence supports the trial court's determination that the grounds for termination under §§ 19b(3)(g) and (j) were both established.

Contrary to what respondent argues, petitioner was not required to prove long-term neglect as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled by *In re Hatcher*, 443 Mich 426, 444 (1993). The *Fritts* decision predates the enactment of § 19b(3), which now sets forth the criteria for termination.

Because termination was proper under §§ 19b(3)(g) and (j) and petitioner need establish only one ground for termination, *In re Trejo*, 462 Mich at 350, it is unnecessary to determine whether the trial court erred in relying on the preamendment version of § 19b(3)(m) as an additional statutory basis for termination. Any error would be harmless. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Finally, considering respondent's inability to protect her children, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357.

We affirm.

/s/ David H. Sawyer

/s/ Jane E. Markey

/s/ Karen M. Fort Hood