

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEMARION LANO HARRISON,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TYNESHA LACRESHA DENER,

Respondent-Appellant,

and

TYNESHA M. WADE,

Respondent.

UNPUBLISHED

May 10, 2005

No. 258247

Wayne Circuit Court

Family Division

LC No. 98-364335-NA

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (g), (i), (j), and (k). We affirm.

On appeal, respondent-appellant argues that the trial court clearly erred when it terminated her parental rights under § 19b(3)(a)(ii) and (g), contending that these provisions cannot apply to her because the minor child was removed from her immediately after its birth and, this being an original petition for permanent custody, she was prevented by law from visiting the child. However, even if the trial court erred in relying on these statutory sections, erroneous termination of parental rights under one statutory basis for termination can be harmless error if the court also properly found by clear and convincing evidence another ground for termination. MCL 712A.19b(3); *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

In this case, termination of respondent-appellant's parental rights was also based on MCL 712A.19b(3)(i) and (j). There was clear and convincing evidence that respondent-appellant had previously had her parental rights terminated to seven other children and that prior attempts to rehabilitate her had been unsuccessful. Thus, the evidence was sufficient to terminate her

parental rights under § 19b(3)(i). Further, respondent-appellant admitted to the FIA worker that she was still using illegal drugs during her pregnancy. Thus, there was clear and convincing evidence that there was a reasonable likelihood that the minor child would be harmed if he were returned to her home. Therefore, the evidence was sufficient to terminate her parental rights under § 19b(3)(j). Accordingly, the trial court did not clearly err in finding that a statutory ground for termination was established by clear and convincing evidence.

Affirmed.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Patrick M. Meter