

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LANAE BLACKMON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LATONYA BLACKMON,

Respondent-Appellant,

and

DEANGELO SCOTT,

Respondent.

UNPUBLISHED

October 7, 2008

No. 284391

Washtenaw Circuit Court

Family Division

LC No. 2007-000074-NA

Before: O'Connell, P.J., and Smolenski and Gleicher, JJ.

MEMORANDUM.

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

The trial court did not clearly err in determining that petitioner established at least one statutory ground for termination by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). Respondent admitted that her parental rights to two other children had previously been terminated after her boyfriend inflicted injuries on one of the children that were consistent with the child having been violently shaken and she failed to seek immediate medical attention. In the present case, the barrier to reunification was respondent's marijuana use. Lanae tested positive for marijuana at birth. And, despite the knowledge that Lanae would be returned to her if she stopped using marijuana, respondent continued to use marijuana, took months to complete the first phase of her drug treatment program, and did not return for further treatment. Respondent also did not have employment. Therefore, the trial court did not clearly err in finding that MCL 712A.19b(3)(g) and (l) were established by clear and convincing evidence. Further, even if we were to conclude that the trial court erred when it found that the petitioner had established the other statutory grounds, that error would be harmless. See MCL 712A.19b(3), (5).

The trial court also did not clearly err in its best interests determination. Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. *Trejo, supra* at 344; MCL 712A.19b(5). Although respondent shared a strong bond with Lanae and was loving and affectionate to her, respondent had ample time and opportunity to discontinue her drug use and chose not to. And there was no indication that respondent would change her behavior with additional time. There were no errors warranting relief.

Affirmed.

/s/ Peter D. O'Connell

/s/ Michael R. Smolenski

/s/ Elizabeth L. Gleicher