

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JASMINE MICHELLE BROWN,  
Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

SONYA COTTON,  
  
Respondent-Appellant.

UNPUBLISHED  
September 9, 2004

No. 253919  
Washtenaw Circuit Court  
Family Division  
LC No. 02-000104-NA

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Before: Donofrio, P.J., and White and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent suffered from mental illness and cognitive limitations. The evidence showed that, at the time of the child's birth and despite regular medication throughout the course of these proceedings, respondent did not become able to adequately care for herself, and was unable to provide proper care or custody for the child. Respondent's lifestyle was unstable, there was evidence of drug use, and respondent was sexually and financially irresponsible. The evidence clearly showed that the child would be in danger of neglect and physical harm in respondent's care.

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*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The child was removed from respondent at birth, and respondent visited her infrequently. The child had not established a bond with respondent, and there was no reasonable likelihood that respondent could ever provide her with proper care or custody.

Respondent also argues that her constitutional right to parent the child was violated by termination of her parental rights. "Parents have a significant interest in the companionship,

care, custody, and management of their children, and the interest is an element of liberty protected by due process. A due-process violation occurs when a state-required breakup of a natural family is founded solely on a ‘best interests’ analysis that is not supported by the requisite proof of parental unfitness.” *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In this case, there was ample evidence that respondent could not properly care for the child and termination was not based solely on a best interests analysis.

Finally, respondent argues that the trial court erred in finding that petitioner made reasonable efforts to reunite the family. In this case, respondent was offered services through other agencies, and the FIA was not obligated to duplicate others’ services. The evidence showed that many services were offered where respondent was located, or in-home with the child, but that respondent did not acknowledge her difficulties and did not cooperate with services. The trial court did not err in determining that petitioner made reasonable efforts to reunite the family.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Helene N. White  
/s/ Michael J. Talbot