

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DEON JOSE POPE and  
DEONDRA JOYCE POPE, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BILLIE COLLEEN POPE,

Respondent-Appellant,

and

DAMON JEFFRIES,

Respondent.

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UNPUBLISHED

July 28, 2005

No. 259626

Wayne Circuit Court

Family Division

LC No. 85-248506-NA

In the Matter of DEON JOSE POPE and  
DEONDRA JOYCE POPE, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAMON JEFFRIES,<sup>1</sup>

No. 259858

Wayne Circuit Court

Family Division

LC No. 85-248506-NA

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<sup>1</sup> Although respondent father's given name is spelled Damon on the order terminating his parental rights, it appears from the lower court record that the correct spelling is Damian.

Respondent-Appellant,

and

BILLIE COLLEEN POPE,

Respondent.

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Before: Cooper, P.J., and Fort Hood and R.S. Gibbs\*, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor twin children under MCL 712A.19b(3)(g),<sup>2</sup> (j), and (l). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The minors tested positive for the presence of cocaine at birth. The evidence established that respondent-mother had made no progress toward overcoming her long-standing drug addiction, which had resulted in at least eight of her nine children testing positive for the presence of cocaine at birth. Respondent-mother had her parental rights to a number of her children terminated. The evidence also revealed that, although respondent-father asserted he wanted to plan and care for the children, he failed to appear at two separate court hearings to demonstrate his ability to do so. Respondent-father had a criminal history involving drug offenses, lived in his aunt's home with six other relatives, and did not have legal employment, working "on call" and "under the table." Moreover, the evidence revealed respondent-father's desire to resume a relationship with respondent-mother despite knowledge of her continued drug addiction.

Further, the evidence failed to establish that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the respondents' visitations were appropriate and respondent-father's were consistent, the twin minor children were infants and were also bonded to their foster care parents. There was no evidence of any potential harm in terminating

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<sup>2</sup> The order terminating respondents' parental rights inaccurately notes as a ground for termination MCL 712A.19b(3)(a)(ii). This ground was never argued by the parties or relied upon by the trial court in its oral findings. Nonetheless, any error in its inclusion is harmless where another statutory basis was properly found as a basis for termination of parental rights.

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

respondents' parental rights, and the infant twins needed safety, permanency, and stability that respondents could not provide.

Affirmed.

/s/ Jessica R. Cooper  
/s/ Karen M. Fort Hood  
/s/ Roman S. Gribbs