

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of COREY THOMAS, CHRISTY THOMAS, ROOSEVELT THOMAS III, JACOB BAILEY THOMAS, and PHILLIP MICHAEL THOMAS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DENISE JEAN THOMAS, a/k/a DENISE JEAN COTTON,

Respondent-Appellant,

and

ROOSEVLET THOMAS, JR.,

Respondent.

In the Matter of COREY THOMAS, CHRISTY THOMAS, ROOSEVELT THOMAS III, JACOB BAILEY THOMAS, and PHILLIP MICHAEL THOMAS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROOSEVELT THOMAS, JR.,

Respondent-Appellant,

and

UNPUBLISHED
August 19, 2004

No. 252491
Wayne Circuit Court
Family Division
LC No. 91-292631

No. 252714
Wayne Circuit Court
Family Division
LC No. 91-292631

DENISE JEAN THOMAS, a/k/a DENISE JEAN
COTTON,

Respondent.

Before: Neff, P.J., and Smolenski and Zahra, JJ.

MEMORANDUM.

In these consolidated appeals, respondent Denise Thomas appeals as of right and respondent Roosevelt Thomas appeals by delayed leave granted from the order of the trial court terminating their parental rights to their minor children pursuant to MCL 712A.19b(3)(c)(i), (g), (i), and (j). We affirm.

Respondents contend that the trial court erred in finding that clear and convincing evidence supported termination of their parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g). Contrary to respondents' contentions, ample evidence existed on the record to support the trial court's decision. At the time of adjudication, respondent mother was mentally ill and using illegal drugs, and this affected her ability to properly care for the children. Respondent father was incarcerated periodically, making him unavailable to care for the children. In addition, his absence triggered episodes of drug use and mental illness by respondent mother. During the more than three years that the children were in foster care, respondent father was repeatedly incarcerated and respondent mother repeatedly used illegal drugs and had episodes of mental illness severe enough to require hospitalization. The trial court, therefore, did not err in finding that these 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).

Respondent mother also contends that the trial court erred in finding clear and convincing evidence to terminate her parental rights pursuant to MCL 712A.19b(3)(i) and (3)(j). We disagree. Sufficient evidence existed on the record to support termination of respondent mother's parental rights under these subsections as well. At the age of fourteen, respondent mother gave birth to a child in 1991, who tested positive for drugs. Her parental rights to this child were terminated in 1992. Additionally, there was sufficient evidence that the children would be harmed if returned to respondent mother. Each time the children were returned to her care, respondent mother quickly became overwhelmed by the stress of caring for her children and respondent father's repeated incarcerations, lapsing into drug use which would lead to episodes of mental illness requiring hospitalization. During these episodes, respondent mother often had amnesia and sometimes did not even remember she had children. The trial court, therefore, did not err in finding that these statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller, supra*.

Respondents also contend that the trial court erred in determining that termination was not contrary to the best interests of the children. We disagree. While the children were in respondents' care, respondent father repeatedly became incarcerated while respondent mother repeatedly lapsed into episodes of mental illness and illegal drug use. Therefore, termination of

respondents' parental rights was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Janet T. Neff
/s/ Michael R. Smolenski
/s/ Brian K. Zahra