

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ZAYANNA MAKALA
JACKSON and EXZAEON JACKSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CANDACE JACKSON,

Respondent-Appellant.

and

CHARLES HILL and JAKE GAINES,

Respondents.

UNPUBLISHED
September 9, 2004

No. 253163
Oakland Circuit Court
Family Division
LC No. 01-653962

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 children under MCL 712b(3)(g) and (j). Because the trial court did not clearly err in finding clear and convincing evidence for termination of parental rights, termination was not clearly contrary to the children's best interests, and respondent's constitutional liberty interest properly ceded to the state's interest in the children's protection, we affirm.

The trial court did not clearly err in determining that petitioner had established by clear and convincing evidence at least one of the grounds for terminating respondent's parental rights. *In re Trejo*, 462 Mich 341, 344, 357; 612 NW2d 407 (2000). Respondent-appellant's housing was inappropriate and she refused assistance in finding alternate housing. She could not find and maintain employment. Respondent also could not care for her children during supervised visits as she could not appropriately interact with both children, could not make a bottle for her son, could not consistently provide healthy snacks for the children, and had unreasonable expectations regarding her daughter's development. Respondent was bipolar and was prescribed psychotropic medication. Whether she consistently took the medication is unclear. However it

is clear that she showed anger and frustration during supervised visits with her children, and this was directed at her daughter, her grandmother, and agency employees.

Respondent's contention that petitioner placed her in this situation and thus cannot use her situation against her is misplaced when the sole matter before the trial court was the interest of Zayanna and Exzaeon. Respondent may feel that petitioner mistreated her when she was a ward of the court. However, the fact remains that she had a year and a half to establish that she could provide proper care and custody for her children and failed to do so.

Respondent also argues that her constitutional liberty interest in her children was violated by the denial of the opportunity to parent her children. Parents have a liberty interest in their children that includes the right to the custody and care of their children. *Trejo, supra* at 355, citing *In re LaFlure*, 48 Mich App 377, 387; 210 NW2d 482 (1973). However, once at least one statutory ground for termination is proven, "the parent's interest in the companionship, care and custody of the child gives way to the state's interest in the child's protection." *Trejo, supra* at 356. Therefore, because statutory grounds for termination were proven, respondent's constitutional liberty interest properly ceded to the state's interest in the children's protection, and the trial court did not violate respondent's constitutional rights by terminating her parental rights.

Affirmed.

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