

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

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In the Matter of TAE-KON NICOLEI BROOKS,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAWRENCE BROOKS,

Respondent-Appellant,

and

ROXANNE LYNN MCGOVERN, a/k/a  
ROXANNE LYNN BROOKS,

Respondent.

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UNPUBLISHED  
September 16, 2004

No. 254533  
Wayne Circuit Court  
Family Division  
LC No. 00-393246-NA

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FAMILY INDEPENDENCE AGENCY,

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v

ROXANNE LYNN MCGOVERN, a/k/a  
ROXANNE LYNN BROOKS,

Respondent-Appellant,

and

LAWRENCE BROOKS,

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No. 254828  
Wayne Circuit Court  
Family Division  
LC No. 00-393246-NA

Before: Cavanagh, P.J., and Smolenski and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (i), and (j). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Both respondents had their parental rights to other children terminated in separate prior cases. In the prior termination involving respondent-mother, the child was born testing positive for marijuana and was left unsupervised in an unheated trailer as an infant. Respondent-mother's parental rights were terminated after she failed to appear to plan for the child. In respondent-father's prior case, his parental rights were terminated after he refused to end his relationship with the child's drug abusing mother. In addition, respondent-father tested positive for drugs himself, and the family home was assessed as being unsuitable for the child.

In the present case, both respondent-mother and the minor child tested positive for cocaine at the child's birth. Respondent-mother admitted using drugs during the pregnancy. Despite the prior terminations, the court allowed both parents the opportunity to plan for the child. For over a year, respondents received assistance from the agency contracted by the FIA. This assistance included referrals for respondent-mother to receive substance abuse treatment and individual counseling. Similarly, respondent-father was encouraged to receive drug treatment, as well as therapy for codependent partners of substance abusers. The termination petition was dismissed at one point after the trial court determined the case had not been properly serviced. However, another petition was re-filed shortly afterward because respondent-mother still used drugs, refused to enter treatment, did not provide drug screens, and did not visit with the child for three months. Respondent-father still denied his own drug use and refused to end his relationship with respondent-mother. Respondent-father's drug screens tested positive for cocaine after a request was made for the laboratory to closely monitor respondent-father's collection process. Respondent-father was employed at the time of the termination trial, but the family home remained in unsuitable condition.

The trial court did not clearly err in terminating respondent father's parental rights. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). On the basis of the previously summarized evidence, the trial court did not clearly err in finding that respondent-father did not rectify the adjudicating conditions, did not provide proper care and custody for the child, had not been rehabilitated since his prior termination, and that there was a likelihood of harm to the child if returned to respondent-father's care. Despite respondent-father's arguments to the contrary, the assistance provided by the FIA agency was reasonable (with the exception of a two or three-month interval in 2003), and it was respondent-father's lack of efforts that led to the termination of his parental rights.

Both respondents argue that the trial court erred in determining that termination of their parental rights was not contrary to the child's best interests. We review for clear error the trial court's decision with regard to the child's best interests. *In re Trejo*, 462 Mich 341, 356-357;

612 NW2d 407 (2000). We find that the evidence strongly supported the trial court's decision that termination was not clearly against the child's best interests. With the exception of a two-month period, the assistance provided by the agency was reasonable. The child was young and in need of a stable home, which was not provided by respondents who continued to be controlled by their drug addictions.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Michael R. Smolenski

/s/ Donald S. Owens