

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
August 21, 2012

In the Matter of J. B. COOPER, Minor.

No. 308261  
Wayne Circuit Court  
Family Division  
LC No. 98-364940-NA

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Before: SAAD, P.J., and SAWYER and CAVANAGH, JJ.

MEMORANDUM.

Respondent M. Branch appeals as of right from a circuit court order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), (i), and (j). We affirm.

Respondent does not dispute that the statutory grounds for termination were established by clear and convincing evidence. Her sole claim on appeal is that termination of her parental rights was not in the child's best interests. MCL 712A.19b(5). We review the trial court's decision regarding the child's best interests for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The child had four older siblings, none of whom were in respondent's care, and respondent's parental rights to two of those children had previously been terminated following initiation of child protective proceedings. The child came into care at birth because of respondent's drug abuse. Although there was evidence that respondent loved the child and demonstrated appropriate parenting skills during family visits, the evidence also clearly showed that respondent was unwilling to give up her marijuana use in order to regain custody of the child. Respondent failed to complete substance abuse treatment, persistently failed to provide random drug screens, and continued to test positive for marijuana as late as September 2011, which was after the supplemental petition for termination had been filed. Considering that the child entered foster care at birth because of respondent's drug use, that respondent did little to address her substance abuse problem during the 18 months this case was pending, that respondent had no visible means of supporting herself and the child, and that it was questionable whether respondent would be able to maintain her recently-acquired apartment, it was clear that respondent was simply not capable of meeting the child's needs. The trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Henry William Saad

/s/ David H. Sawyer

/s/ Mark J. Cavanagh