

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

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In the Matter of LOUIS ALEX TOKIE, IV, Minor

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FAMILY INDEPENDENCE AGENCY

Petitioner-Appellee,

v

DENISE BENN and LOUIS TOKIE, III,

Respondents-Appellants.

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UNPUBLISHED

June 9, 1998

Nos. 202332 & 202499

Oakland Juvenile Court

LC No. 94-057610 NA

Before: Jansen, P.J., and Kelly and Markey, JJ.

PER CURIAM.

Respondents appeal as of right from an order of the juvenile court terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178 (598.19b)(3)(c)(i), (g) and (j). We affirm.

The juvenile court did not clearly err in finding that petitioner made reasonable efforts to provide services to both respondents. MCR 5.974(I); *In re Ballard*, 219 Mich App 329, 331; 556 NW2d 196 (1996).

Next, the juvenile court did not clearly err in finding that grounds for termination of respondent Benn's parental rights were established under §§ 19b(3)(g) and (j), by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, Benn failed to demonstrate that termination of her parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the juvenile court did err in terminating respondent Benn's parental rights. *In re Hall-Smith, supra*.

Respondent Benn's argument that, if we were to reverse the order terminating respondent Tokie's parental rights, then we should likewise reverse the order terminating her parental rights, is without merit. Clear and convincing evidence to terminate respondent Benn's parental rights exists

under §§ 19b(3)(g) and (j), regardless of the plan provided by Benn. In any event, we conclude that reversal as to respondent Tokie is not warranted.

Although respondent Tokie contends that the juvenile court was required to consider only legally admissible evidence in deciding whether to terminate his parental rights, MCR 5.974(D)(3), he does not identify any evidence that allegedly was improperly admitted. Accordingly, we find no basis for concluding that the juvenile court applied the wrong evidentiary standard in determining whether termination was warranted.

Finally, we conclude that respondent Tokie's due process rights were not violated where he was given notice of the nature of the proceedings and an opportunity to be heard at many hearings. *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991). Also, because the provision requiring visitation every seven days contains no sanction, MCL 712A.18f(3)(e); MSA 27.3178(598.19f)(3)(e), we conclude that any alleged violation of this provision does not provide Tokie with a basis for obtaining reversal of the order terminating his parental rights. See *In re Kirkwood*, *supra* at 545-546.

Affirmed.

/s/ Kathleen Jansen

/s/ Michael J. Kelly

/s/ Jane E. Markey