STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MARY L. SHIEF and ANTHONY G. ALLEN, JR., Minors.

FAMILY INDEPENDENCE AGENCY

Petitioner-Appellee,

v

MARY SHIEF,

Respondent-Appellant,

and

ANTHONY ALLEN,

Respondent.

UNPUBLISHED
April 3, 1998

No. 206046
Kalamazoo Juvenile Court
LC No. 95-000021 NA

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the juvenile court opinion and order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Petitioner presented clear and convincing evidence that termination of respondent-appellant's parental rights was warranted under the subsections cited. Moreover, the juvenile court's decision to terminate respondent-appellant's parental rights was not clearly erroneous because she did not present evidence showing that termination was not in the best interests of the children. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

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* Circuit judge, sitting on the Court of Appeals by assignment.

Respondent-appellant's sole claim on appeal is that the court should not have terminated her parental rights because the children could have been placed with her sister. We disagree. While the court may continue temporary wardship and allow the child to be placed with a relative who is shown to be a proper custodian, *In re McIntyre,* 192 Mich App 47, 52-53; 480 NW2d 293 (1991), there is nothing in the statute which directs the court to refrain from ordering termination where the child could be placed with a relative, *In re Futch,* 144 Mich App 163, 170; 375 NW2d 375 (1984). Thus, if it is within the best interests of the child, the court may properly terminate parental rights instead of placing the child with a relative. *McIntyre, supra* at 52. The evidence showed that continuation of temporary wardship was inappropriate because the children had been in foster care for over two years, they needed a permanent living situation, and there was no reasonable likelihood that respondent-appellant could provide a proper home within a reasonable time. Moreover, the only evidence that respondent-appellant's sister could provide proper care and custody was the sister's own testimony that she believed she was doing a good job raising her own six children as a single unemployed parent. There was no evidence that she had the financial wherewithal to establish a new home as she proposed and provide the necessities of life for herself, her children, and respondent-appellant's two children or how she intended to care for them while she was in school. Thus, respondent-appellant did not meet her burden of going forward with evidence that termination was clearly not in the children's best interest. *Hall-Smith, supra* at 473.

We affirm.

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka