

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

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In the Matter of KATIE LANE, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RETAH MARIE LANE,

Respondent-Appellant,

and

TERRANCE CALLENDER,

Respondent.

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UNPUBLISHED

October 2, 1998

No. 208428

Kalamazoo Juvenile Court

LC No. 95-000088 NA

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

PER CURIAM.

Respondent mother appeals as of right from a juvenile court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (ii); MSA 27.3178(598.19b) (3)(c)(i) and (ii). We affirm.

Contrary to respondent's argument, her admissions to the allegations in the petition could properly be used as a basis for termination. See MCR 5.971(B)(4). Moreover, the record also included written reports authored by respondent's caseworker and therapist, as well as other exhibits, which were properly relied upon by the juvenile court in establishing the grounds for termination. See MCR 5.974(F)(2). On this record, the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Further, contrary to respondent's assertion, the juvenile court did not err in failing to make a determination of the child's best interests. Once petitioner met its burden of proving the statutory grounds for termination by clear and convincing evidence, the burden was on respondent to come forward with evidence that termination was clearly not in the child's best interest. Absent such evidence, termination of respondent's parental rights was mandatory. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Here, respondent did not come forward with any evidence that termination of her parental rights was clearly not in the minor child's best interest. Thus, termination was mandatory and the juvenile court was under no obligation to make a best-interest determination.

Lastly, respondent argues that pursuant to *In re Bedwell*, 160 Mich App 168; 408 NW2d 65 (1987), the juvenile court erred in concluding that respondent's failure to abide by all of the conditions of the *Adrianson*<sup>1</sup> agreement was sufficient, standing alone, to order termination. Respondent's reliance on *Bedwell* is misplaced. As the *In re Bedwell* Court observed: "We distinguish this case from *In re Adrianson*, . . . in which a similar procedure was not criticized, on the ground that the petitioner had met its burden of proof at earlier hearings in that case. In contrast, petitioner never satisfied its burden of proof in this case." *Id.* at 177. Here, grounds for termination were established by clear and convincing evidence at the initial termination hearing through respondent's admissions to the allegations in the petition, as well as through other relevant and material evidence in the record. Accordingly, the juvenile court did not err in terminating respondent's parental rights to the minor child. *In re Hall-Smith*, *supra* at 473.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Myron H. Wahls

/s/ Mark J. Cavanagh

<sup>1</sup> *In re Adrianson*, 105 Mich App 300, 319; 306 NW2d 487 (1981).