

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

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In the Matter of VIRGIL ACE H. POWELL, HAWK  
POWELL MASON, JEFFERY EUGENE POWELL  
and ZANE EUGENE PRESTON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

FAITH MARIE MASON,

Respondent-Appellant,

and

BRIAN MOSIER, DUANE MARLO MASON, JR.,  
KENNETH GRIFFIN and PAUL DEAN PRESTON,

Respondents.

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In the Matter of HANK POWELL MASON,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DUANE MARLO MASON, JR.,

Respondent-Appellant,

UNPUBLISHED  
October 30, 1998

No. 207622  
Cass Juvenile Court  
LC Nos. 94-000426 NA  
94-000427 NA  
94-000428 NA  
94-000429 NA

No. 207732  
Cass Juvenile Court  
LC No. 94-000427 NA

and

FAITH MARIE MASON,

Respondent.

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Before: Young, Jr., P.J., and Wahls and Jansen, JJ.

PER CURIAM.

Respondents Faith Mason and Duane Mason, Jr. appeal as of right the juvenile court orders terminating their 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.

The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). The evidence indicated that respondent Faith Mason had not resolved her inability to manage a household and could not understand why her children were removed. The evidence indicated that respondent Duane Mason was unable to overcome his alcohol abuse problem and he too refused to recognize the reasons for his child's removal.

The juvenile court did not err in denying respondent Duane Mason's request for a separate trial. *People v Harris*, 201 Mich App 147, 152; 505 NW2d 889 (1993). Moreover, evidence concerning Mason's treatment of his child's siblings was relevant to the issue of his treatment of his own child. See *In re Powers*, 208 Mich App 582, 588-593; 528 NW2d 799 (1995).

If the court finds that one or more of the statutory grounds apply, MCL 712A.19(b)(5); MSA 27.3178(598.19b)(5) requires that parental rights be terminated, unless the court finds that termination "is clearly not in the child's best interests." The burden of going forward with evidence that termination is clearly not in a child's best interest rests with the respondent. *In re Hall-Smith*, *supra* at 473. Here, both respondents failed to show that termination of their parental rights was clearly not in the children's best interests. Furthermore, contrary to what respondent Faith Mason argues, the court was not required to consider the best interest factors under the Child Custody Act, MCL 722.23; MSA 25.312(3), in determining the children's best interests. *In re Barlow*, 404 Mich 216, 235-236; 273 NW2d 35 (1978). Thus, the juvenile court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Myron H. Wahls

/s/ Kathleen Jansen