

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BRITTANY CORSER, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIMBERLY KITLEY,

Respondent-Appellant,

and

TERRENCE ELLIS,

Respondent.

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UNPUBLISHED

April 30, 1999

No. 215077

Jackson Circuit Court

Family Division

LC No. 97-019562 NA

Before: Kelly, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (h) and (j); MSA 27.3178(598.19b)(3)(g), (h) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Because we conclude that the family court did not clearly err in finding that the grounds for termination under §§ 19b(3)(g) and (j) were established by clear and convincing evidence, MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), we need not decide whether § 19b(3)(h) was also established. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).

The family court did not improperly shift the burden of proof onto respondent-appellant when it found that she failed to show that termination was not in the child's best interests. *In re Hamlet (After*

*Remand*), 225 Mich App 505, 522-523; 571 NW2d 750 (1997). Further, because the evidence failed to show that termination of respondent-appellant's parental rights was clearly not in the child's best interests, MCL 712A.19b(5); MSA 27.3178(598.19b)(5), the family court did not err in terminating respondent-appellant's parental rights to the child. *In re Hamlet (After Remand)*, *supra* at 523; *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

Affirmed

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski