

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANE BRYCE CALHOUN, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CATHY CALHOUN,

Respondent-Appellant,

and

ALVIN CALHOUN,

Respondent.

UNPUBLISHED

December 28, 1999

No. 217403

Ingham Circuit Court

Family Division

LC No. 00-004662

Before: Saad, P.J., and McDonald and Gage, JJ.

MEMORANDUM.

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

The family court acquired jurisdiction under MCL 712A.2(b)(1); MSA 27.3178(598.2)(b)(1) on the basis of respondent-appellant's admission that she was unable to provide proper custody for the child due to her alcohol abuse. MCR 5.971. While placement of the child with a guardian capable of providing proper care and custody prior to the state's involvement does not, in itself, warrant the assumption of jurisdiction, MCL 712A.2(b)(1)(B); MSA 28.3178(598.2)(b)(1)(B); *In re Nelson*, 190 Mich App 237, 241; 475 NW2d 448 (1991), placement of the child with a guardian after jurisdiction is

acquired does not cause the court to lose jurisdiction or preclude termination of parental rights upon sufficient proofs.

The family court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were both established by clear and convincing evidence. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). Because respondent-appellant failed to show 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), the family court did not err in terminating her parental rights. *In re Hall-Smith, supra*.

Respondent-appellant's due process claim is not properly before this Court because respondent-appellant failed to raise it below, *In re Hildebrant*, 216 Mich App 384, 389; 548 NW2d 715 (1996), did not include it in her statement of questions presented on appeal, *Marx v Dep't of Commerce*, 220 Mich App 66, 81; 558 NW2d 460 (1996), and has not supported it with citation to relevant authority. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992).

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage