STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of RONNAE RAQUEL COGGER and ALI MARIE MIKULEN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICIA COGGER-MIKULEN,

Respondent-Appellant,

and

RONALD BRUNER and MARK MIKULEN,

Respondents.

UNPUBLISHED
October 3, 2000

No. 221518
Oakland Circuit Court
Family Division
LC No. 97-063342-NA

Before: Collins, P.J., and Jansen and Zahra, JJ.

PER CURIAM.

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

Respondent-appellant does not challenge the family court's determination that the statutory grounds for termination were established by clear and convincing evidence. Respondent-appellant argues only that the court erred in finding that termination of her parental rights was in the children's best interests, given her alternative plan to temporarily place the children with their maternal grandparents until she stabilized her life. Respondent-appellant contends that the plan put forward by the children's maternal grandmother was just as likely to provide permanence and stability in the children's lives as remaining in the foster care system.

MCL 712A.19b(5); MSA 27.3178(598.19b)(5) provides that, if a trial court finds that one or more statutory grounds for termination have been proven by clear and convincing evidence,

> the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made, unless the court finds that termination of parental rights to the child is clearly not in the child's best interests.

In *In re Trejo*, 462 Mich 341; ___ NW2d ___ (2000), our Supreme Court determined that, under the above-cited statutory provision, a trial court "may consider evidence introduced by any party when determining whether termination is clearly not in a child's best interest." *Id.* at 353 (footnote omitted). The Supreme Court further stated that the statute "permits the court to find from evidence on the whole record that termination is clearly not in a child's best interests." *Id.*

In the present case, the family court, after finding that statutory grounds for termination had been established by clear and convincing evidence, allowed all parties the opportunity to present evidence concerning the best interests of the children. Respondent-appellant was living with her parents in Ohio, had a job, and was scheduled to begin a new and better-paying job. Respondent-appellant's mother offered a plan by which she and her husband would care for the children in their Ohio home for six months to one year while respondent-appellant stabilized her life. However, respondent-appellant's mother could not offer a permanent placement or adoption because of her age, the young age of one child, and the special needs of the other child, who has Down's syndrome. Respondent-appellant's mother did not know what would happen if respondent-appellant was not ready to provide for the children herself after the six-month to one-year period.

Petitioner presented two witnesses at the best interests hearing. Dr. Grenae Dudley, who had conducted psychological evaluations of respondent-appellant and the two children, and Karen Carter, of the Ennis Center for Children, who had provided therapy to the children since 1998. Both witnesses opined that termination of respondent-appellant's parental rights was in the children's best interests, even if that meant that they could not remain together as siblings. Dr. Dudley testified that respondent-appellant had not demonstrated significant insights into her own behavior or shown the ability to change her behavior during the approximate two-year period that her children were under the court's jurisdiction. Dr. Dudley opined that, if termination of respondent-appellant's parental rights was delayed for another year, respondent-appellant would still be unable to improve sufficiently to provide for her children. Dr. Dudley concluded that adding another year of uncertainty to the children's lives would not be in their best interests.

In its written decision, the family court considered respondent-appellant's plan to have her parents care for the children for six months to one year:

> It is conceivable that the plan could work. However, it is an uncertain proposition at best and, in fact, the great weight of the evidence, in view of mother's history and in view of the psychologicals by Dr. Dudley, suggest[s] that the plan will not work. Mother has, over the course of approximately two years, been unable to establish proper housing. She has not demonstrated any ongoing substance abuse

> treatment. She lacks insight and understanding into that whole area. While it may be that mother could establish housing in the near future, it would take many months before there would be any reliable indication that she would be successful in terms of maintaining employment, maintaining housing, maintaining sobriety, and maintaining responsible care for her daughters. If she failed to succeed, it would be devastating for both children. While the maternal grandmother's plan for interim care is appreciated, nevertheless, in this Court's opinion it comes to[o] late in this case. By her own acknowledgment, the maternal grandmother cannot provide long-term care for the children. The longest she believes she can keep the children is approximately a year . . . . In this Court's opinion, the mother's plan is not sufficient to address the entirety and the complexity of the situation regarding Ali and Ronnae.

We conclude that the family court did not clearly err in determining that termination of respondent-appellant's parental rights was not adverse to the best interests of the children. *In re Trejo*, *supra* at 356-357.

Respondent-appellant further contends that the philosophy behind the juvenile code is to place children in the most family-like setting, which she argues would be placement with relatives whenever possible. MCL 712A.1(3); MSA 27.3178(598.1)(3) provides, "[i]f a juvenile is removed from the control of his or her parents, the juvenile shall be placed in care as nearly as possible equivalent to the care that should have been given to the juvenile by his or her parents." However, the statute "does not require that the court place a child with relatives." *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999). "If it is in the best interests of the child, the [family] court may properly terminate parental rights instead of placing the child with relatives." *Id.* (citations omitted). Therefore, this argument is of little merit.

Affirmed.

/s/ Jeffrey G. Collins
/s/ Kathleen Jansen
/s/ Brian K. Zahra