

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRIAN WILLIAMS, MICHAEL
WILLIAMS, and IMANI WILLIAMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ADRIAN M. LEWIS,

Respondent-Appellant,

and

CORNELIUS IRVIN and BRIAN WILLIAMS,

Respondents.

UNPUBLISHED

October 24, 2000

No. 225909

Kent Circuit Court

Family Division

LC No. 99-000681-NA

Before: Fitzgerald, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Respondent Adrian Lewis appeals as of right from the family court's order, following a jury trial, adjudicating the minor children within the jurisdiction of the court and placing them in foster care, subject to review and evaluation within a two month period. We affirm.

While we agree with respondent that a child placed in the care of a relative who properly cares for the child is not without proper custody, see *In the Matter of Taurus F*, 415 Mich 512, 535; 330 NW2d 33 (1982), the record here indicates that, while respondent's daughter was occasionally entrusted to the temporary care of her grandparents, she remained for the most part in the care and custody of respondent. Thus, a finding of jurisdiction was not precluded on the basis that respondent had relinquished the care and custody of her daughter to a relative.

Next, the allegations in the petition, if true, were sufficient to identify a statutory basis for jurisdiction. MCL 712A.2(b)(1); MSA 27.3178(598.2)(2)(1).

Finally, a preponderance of the evidence supported the jury's determination that the children came within the statutory requirements of MCL 712A.2(b)(1); MSA 27.3178(598.2)(2)(1). *In re Brock*, 442 Mich 101, 108-109; 499 NW2d 752 (1993); *In re S R*, 229 Mich App 310, 314; 581 NW2d 291 (1998). This evidence included, inter alia, respondent's continual homelessness, her refusal to cooperate with assisting agencies, her keeping her children from school for extended periods, her refusal to allow assessment of Brian after suspicions of sexual abuse, and her record of emotional instability. Thus, the family court did not err in exercising jurisdiction over the children. *In re Brock*, *supra* at 108-109

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Harold Hood

/s/ Gary R. McDonald