

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of ERIN LAUNDRY, Minor.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEDEAN LAUNDRY,

Respondent-Appellant.

---

UNPUBLISHED

January 15, 2004

No. 249655

Chippewa Circuit Court

Family Division

LC No. 02-012728-NA

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent appeals by delayed leave granted from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent made minimal attempts to comply with the service plan for reunification and still lacked suitable housing.

Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Although respondent offered her aunt as an alternative custodian, nothing in the law directs the court to refrain from ordering termination when the child could alternatively be placed with relatives, *In re Futch*, 144 Mich App 163, 170; 375 NW2d 375 (1984), and thus if it is within the best interests of the child to do so, the court may terminate parental rights instead of placing the child with relatives. *IEM*, *supra* at 453; *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The proposed custodian was an out-of-state relative whom the child had never met and respondent offered no evidence as to her qualifications and suitability as a custodian. Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo*, *supra* at 356-357.

We reject respondent's contention that the trial court improperly considered hearsay evidence. The supplemental petition sought termination because the conditions that led to the adjudication continued to exist and would not be rectified within a reasonable time. Under such

circumstances, any relevant and material evidence may be considered, even if such evidence is not admissible at the adjudicatory trial. MCR 5.974(F)(2). Because respondent has not shown clear error with respect to the admission of the evidence, she is not entitled to relief on this unpreserved issue. *Hilgendorf v St John Hosp & Med Ctr Corp*, 245 Mich App 670, 700; 630 NW2d 356 (2001).

Affirmed.

/s/ Pat M. Donofrio  
/s/ Richard Allen Griffin  
/s/ Kathleen Jansen