

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHEENA U. BURTON, Minor-
Appellee.

FAMILY INDEPENDENCE AGENCY, f/k/a
DEPARTMENT OF SOCIAL SERVICES,

UNPUBLISHED
February 27, 1998

Petitioner-Appellee,

v

MILO BURTON,

No. 201689
Calhoun Juvenile Court
LC No. 00-001236-NA

Respondent-Appellant,

and

CYNTHIA BURTON and TERRY BURTON,

Respondents.

In the Matter of SHEENA U. BURTON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TERRY BURTON,

No. 204829
Calhoun Juvenile Court
LC No. 00-001236-NA

Respondent-Appellant,

and

CYNTHIA BURTON and MILO BURTON,

Respondents.

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

In docket number 201689 of these consolidated appeals, respondent Milo Burton, the “putative biological father,” appeals by leave granted a juvenile court order terminating his parental rights to the subject minor child pursuant to MCL 712A.19b(3)(a)(ii) and (g); MSA 27.3178(598.19b)(3)(a)(ii) and (g). In docket number 204829, respondent Terry Burton, the “legal father,” appeals by leave granted the same order terminating his parental rights to the subject child pursuant to MCL 712A.19b(3)(c)(I) and (g); MSA 27.3178(598.19b)(3)(c)(I) and (g). We affirm.

The juvenile court did not err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). Because, as respondent Milo Burton admits, the evidence was sufficient to support termination, there is no requirement that he be given additional time to prove that he could care for the minor child.

Moreover, once a statutory ground for termination has been met by clear and convincing evidence, MCL 712A.19b(5); MSA 27.3178(598.19b)(5) requires a parent to put forth at least some evidence that termination is clearly not in the child’s best interest. *In re Hall-Smith*, *supra* at 473. Absent any evidence addressing this issue by the parent, termination of parental rights is mandatory. *Id.* In this case, while petitioner introduced evidence to indicate that termination of respondents’ parental rights was in the best interest of the minor children, respondents failed to put forth any evidence from which the juvenile court could conclude that termination was clearly not in the minor children’s best interest. Hence, the court’s decision to terminate respondents’ parental rights was in conformity with the requirements of MCL 712A.19b(5); MSA 27.3178(598.19b)(5). *In re Hall-Smith*, *supra*.

Finally, as to respondent Terry Burton’s claim that the petitioner foreclosed his ability to obtain a psychological evaluation, we note that he had already submitted to a psychological evaluation arranged by petitioner in 1992 and that he did not request that a second psychological

evaluation be performed. This issue, being raised for the first time on appeal, is not preserved for appellate review. *Garavaglia v Centra, Inc*, 211 Mich App 625, 628; 536 NW2d 805 (1995).

Affirmed.

/s/ Jane E. Markey
/s/ Martin M. Doctoroff
/s/ Michael R. Smolenski