

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of MARCI MARIE NOFFKE, NOMA  
MAE GATES and RICKY CARL GATES, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JEAN GATES,

Respondent-Appellant.

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UNPUBLISHED

September 18, 1998

No. 206882

Mecosta Juvenile Court

LC No. 92-002402 NA

Before: Hood, P.J., and Griffin and O'Connell, JJ.

MEMORANDUM.

Respondent appeals as of right the order of the juvenile court terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (c)(i) and (j); MSA 27.3178(598.19b) (3)(b)(ii), (c)(i) and (j). We affirm.

Respondent failed to comply fully with the two orders that the juvenile court considered most important, obtaining appropriate counseling and avoiding people who could endanger the children. Furthermore, she was letting her housing deteriorate. The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997).

If the court finds that one or more of the statutory grounds apply, MCL 712A.19(b)(5); MSA 27.3178(598.19b)(5) requires that parental rights be terminated, unless the court finds that termination "is clearly not in the child's best interests." The burden of going forward with evidence that termination is clearly not in a child's best interest rests with the respondent. *In re Hall-Smith*, *supra* at 473. Because respondent did not present any evidence that termination was clearly not in her children's best interests, the juvenile court did not err in terminating her parental rights.

Affirmed.

/s/ Harold Hood

/s/ Richard Allen Griffin

/s/ Peter D. O'Connell