

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DERRICK BURROUGHS, JAY LEN
BURROUGHS, RICO LUCAS BURROUGHS,
BYRON QUINTON METCALFE, BRANDON
JOSHUA BREWER and DWAYNE EARLIE
BREWER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHEILA BURROUGHS,

Respondent-Appellant,

and

KEVIN BENNETT, LEON BROWN, JR., LARRY
PEARSON, TOM METCALFE and HENRY
DWAYNE BREWER.

Respondents.

Before: Murphy, P.J., and MacKenzie and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from a juvenile court order terminating her parental rights to the minor children under 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 juvenile court's determination that the statutory grounds for termination were established by clear and convincing evidence. Rather, she contends that MCL 712A.19b(5); MSA 27.3178(598.19b)(5)¹ is unconstitutional because it improperly shifts the

burden of proof to the parent. Respondent-appellant did not preserve this issue for appeal by raising it below. *Michigan Up & Out of Poverty Now Coalition v Michigan*, 210 Mich App 162, 167-168; 533 NW2d 339 (1995). In any event, this same argument was rejected by this Court in *In re Hamlet (After Remand)*, 225 Mich App 505, 521-523; 571 NW2d 750 (1997).

Next, respondent-appellant contends that the juvenile court erred in finding that she failed to show that termination of her parental rights was clearly not in the children's best interests. We disagree. The fact that respondent-appellant presented some evidence suggesting that termination was not in her children's best interests is not controlling. *In re Martin*, 450 Mich 204, 227; 538 NW2d 399 (1995). We have reviewed the record in its entirety and find no clear error in the juvenile court's decision to terminate respondent-appellant's parental rights to the children. *In re Huisman*, 230 Mich App 372, 385; 584 NW2d 349 (1998).

Affirmed.

/s/ William B. Murphy

/s/ Barbara B. Mackenzie

/s/ Michael J. Talbot

¹ The statute provides: "If the court finds that there are grounds for termination of parental rights, the court shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's best interests."