STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ZIONE JONES, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LOLITA JONES,

Respondent-Appellant.

UNPUBLISHED
January 27, 2009

No. 286791
Washtenaw Circuit Court
Family Division
LC No. 2007-000042-NA

In the Matter of MARCUS MOORE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LOLITA JONES,

Respondent-Appellant.

No. 286792
Washtenaw Circuit Court
Family Division
LC No. 2007-000043-NA

Before: Talbot, P.J., and Bandstra and Gleicher, JJ.

MEMORANDUM.

In these consolidated appeals, respondent appeals as of right from the circuit court's orders terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), and (g). We affirm. These appeals have been decided without oral argument pursuant to MCR 7.214(E).

Respondent does not challenge the circuit court's finding that the statutory grounds for termination were proven by clear and convincing evidence. She contends only that the trial court erred in ordering termination because petitioner failed to prove by clear and convincing evidence that termination was in the children's best interests. We disagree.

At the time this case was decided, MCL 712A.19b(5) provided that "[i]f 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." As explained in *In re Trejo*, 462 Mich 341, 350, 352; 612 NW2d 407 (2000), the petitioner "bears the burden of proving at least one ground for termination," but § 19b(5) does not "impose any further burden of proof on the petitioner once the petitioner has carried its burden of establishing one or more grounds for termination." Thus, the trial court was not required to affirmatively find that termination was in the children's best interests. *Id*. at 357, 364 n 19.[1]

The children came into care because respondent was not a consistent presence in their lives and neglected their basic needs. Respondent announced at the preliminary hearing that she would not participate in parenting classes or visit the children. She did not participate in any of the services recommended for reunification, she attended only two supervised visits, and she saw the children only a handful of times during the 13 months they were in care. The evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. Therefore, the trial court did not err in terminating respondent's parental rights to the children. *Id*. at 356-357.

We affirm.

/s/ Michael J. Talbot
/s/ Richard A. Bandstra
/s/ Elizabeth L. Gleicher

[1] MCL 712A.19b(5) was amended, effective July 11, 2008, to require that, in order to terminate parental rights, a court must affirmatively find that termination is in the children's best interests. However, respondent's argument is not premised on this amendment, and further, because the order terminating respondent's parental rights was issued on June 26, 2008, the prior version of MCL 712A.19b(5), quoted above, remains applicable to the determination whether termination of respondent's parental rights was appropriate in the instant case.