

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.S.Z.-F., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SAMANTHA ZIELSDORF,

Respondent-Appellant,

and

MICHAEL ZIELSDORF,

Respondent.

UNPUBLISHED
November 5, 2009

No. 292366
Eaton Circuit Court
Family Division
LC No. 08-016804-NA

Before: Stephens, P.J., and Cavanagh and Owens, JJ.

MEMORANDUM.

Respondent Samantha Zielsdorf appeals as of right 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 has been decided without oral argument pursuant to MCR 7.214(E).

Respondent does not challenge the circuit court's determination that the statutory grounds for termination were established by clear and convincing evidence. She contends only that the circuit court erred in finding that termination was in the child's best interests. MCL 712A.19b(5). We review the court's best interests decision for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

A circuit court may continue temporary wardship with relatives or establish a guardianship if it finds that doing so is in the child's best interests, MCL 712A.19a(6) and (7); *In re McIntyre*, 192 Mich App 47, 53; 480 NW2d 293 (1991), but nothing in the law prohibits the court from ordering termination when the child could alternatively be placed with relatives. *In re Futch*, 144 Mich App 163, 170; 375 NW2d 375 (1984). Thus, if the court finds that it is in the child's best interests to do so, it may terminate parental rights instead. *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999); *In re McIntyre, supra* at 52. While respondent and the child

were bonded and respondent desired to maintain a relationship with her daughter, the evidence was clear that respondent lacked the will to be a responsible parent without constant supervision and instruction. Because it was unlikely that respondent would change, there was no hope of ever terminating the guardianship and returning the child to respondent's care. Under the circumstances, the circuit court did not clearly err in finding that termination, rather than a guardianship, was in the child's best interests.

Affirmed.

/s/ Cynthia Diane Stephens

/s/ Mark J. Cavanagh

/s/ Donald S. Owens