

STATE OF MICHIGAN
COURT OF APPEALS

In re NORMAN RAY McLEOD, Jr., Minor.

DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

CATHERINE LORENZ,

Respondent-Appellant.

UNPUBLISHED

April 9, 1996

No. 185160

LC No. 93-2611-NA

Before: Markey, P.J., and Holbrook, Jr., and M.J. Matuzak,* JJ.

PER CURIAM.

Respondent Catherine Lorenz appeals from a May 13, 1994, dispositional order of the Mecosta County Probate Court that continued her minor son, Norman Ray McLeod, in foster care placement. We affirm.

Respondent argues on appeal that she was denied due process of law because reasonable efforts were not made by the Department of Social Services to prevent Norman's removal from her custody or to rectify the conditions that led to foster care placement. We disagree. Following the dispositional hearing held pursuant to MCR 5.973, the probate court entered an order continuing Norman in foster care. The court found that reasonable efforts had been made to rectify the conditions causing removal of the child from respondent's custody and that continuation of foster care placement was proper because of respondent's highly transient lifestyle, her failure to provide a meaningful education for Norman, respondent's serious psychiatric problems that needed to be addressed, and the strong evidence that respondent had sexually abused Norman. There was ample competent evidence to

* Circuit judge, sitting on the Court of Appeals by assignment.

support the court's findings, and, as the protective services worker assigned to the case stated at the hearing, respondent's lifestyle and refusal to participate in agency programs limited the DSS's opportunity to provide reunification services. In light of the evidence in the record, we find no clear error in the court's finding that reasonable efforts were made to prevent Norman's removal from respondent's custody and to rectify the conditions that led to foster care placement.

Respondent also argues that the probate court erred in determining that the DSS complied with the laws governing placement of the child with a relative. Respondent argues that the agency failed to consider placing Norman in the custody of either his maternal grandparents or his older brother. We again disagree. If a child is removed from the care and custody of his parents, the child shall be placed in the most family-like setting available and in as close proximity to the child's parents' home as is consistent with the best interests and special needs of the child. MCL 712A.18f(3); MSA 27.3178(598.18f)(3). The statute does not require that the court place a child with relatives. Here, we note that respondent did not request that Norman be placed with his maternal grandparents or with his brother, and neither of these parties expressed any interest in taking custody of Norman. Indeed, we agree with petitioner that placing Norman in the custody of his brother would have been tantamount to returning him to respondent's custody. Under the facts of this case, we find no clear error in the probate court's decision to continue foster care placement of Norman. Respondent was afforded sufficient due process of law at the dispositional hearing.

Affirmed.

/s/ Jane E. Markey

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Matuzak