

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

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In re ARIC PAYNE, Minor

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAWN DeCAMP,

Respondent-Appellant.

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UNPUBLISHED

July 11, 1997

No. 193593

Antrim Probate Court

LC No. 86-000093-NA

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRUCE PAYNE,

Respondent-Appellant.

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No. 193902

Antrim Probate Court

LC No. 86-000093-NA

Before: Wahls, P.J., and Young and J. A. Fisher\*, JJ.

PER CURIAM.

In this consolidated appeal respondents challenge the probate court's order terminating their parental rights to their minor son under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i), MCL 712A.19b(3)(c)(ii); MSA 27.3178(598.19b)(3)(c)(ii), and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.

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

Both respondents argue that insufficient evidence was presented to warrant termination of their parental rights under either MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) or MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We find no grounds for reversal. There was clear and convincing evidence that both respondents had failed to provide proper care and custody for Aric Payne and that there was no reasonable expectation that either parent would be able to provide proper care and custody within a reasonable time considering the age of their son. Termination of both respondents' parental rights was proper under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). The probate court's findings were supported by clear and convincing evidence, and were not clearly erroneous. MCR 5.974(I); *In re Miller*, 433 Mich 331; 445 NW2d 161 (1989).

Both respondents argue that termination of their parental rights was against Aric's best interests. We disagree. Since grounds for termination under §3(g) were found to exist, respondents had the burden of going forward with evidence that termination was clearly not in the child's best interests. *In re Quincy Hall-Smith*, \_\_ Mich App \_\_; \_\_ NW2d \_\_ (No. 195833, rel'd 3/25/97). Neither respondent offered any evidence which would indicate that termination was contrary to the best interests of their child. The probate judge did not err by finding that termination of respondents' parental rights was in their son's best interests. MCL 721A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Myron H. Wahls

/s/ Robert P. Young, Jr.

/s/ James E. Fisher