

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

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In the Matter of JASON SEAMES, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CELIA JENKINS and STUART V. SEAMES,

Respondents-Appellants.

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UNPUBLISHED

September 10, 1999

Nos. 214858;214937

Genesee Circuit Court

Family Division

LC No. 98-109902 NA

Before: Hoekstra, P.J., and O'Connell and R.J. Danhof,\* JJ.

PER CURIAM.

Respondents appeal as of right from a family court order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(b) and (j); MSA 27.3178(598.19b)(3)(b) and (j). We affirm.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). In addition, respondents failed to show that termination of their parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5). Thus, the family court did not err in terminating respondents' parental rights to the child. *In re Hall-Smith, supra*.

Respondent Jenkins further argues that the court erred in admitting reports of suspected child abuse that were prepared pursuant to MCL 722.623; MSA 25.248(3), and in permitting an infant mental health specialist to testify about the meaning of the child's reaction to respondents during visitation. Assuming, without deciding, that the challenged evidence was inadmissible, reversal is not warranted unless admission of the evidence adversely affected Jenkins' substantial rights. MRE 103(a). Respondent has not shown that the reports contained any information that was not cumulative to other

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

properly admitted evidence. Moreover, a review of the court's findings, both in assuming jurisdiction and in ordering termination, shows that the court made no reference to the reports or the specialist's testimony and relied primarily upon the testimony of the treating medical personnel, the protective services worker, and respondents themselves. Such evidence alone provided a sufficient basis for the court's rulings. Therefore, we find that any error was harmless.

Respondent Seames further argues that the court should not have terminated his parental rights because the child could have been placed with relatives. We disagree. First, the law does not require the court to refrain from ordering termination where the child could be placed with relatives. *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). If the court finds that it is within the best interests of the child to do so, it may terminate parental rights instead of placing the child with relatives. *Id.*; *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999). Second, the evidence did not establish that the proposed custodians could provide proper care and custody of the child. One couple declined to assume guardianship over the child and the other couple could not provide a suitable home for the child. Therefore, the court did not err in rejecting respondent's alternative resolution.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Peter D. O'Connell

/s/ Robert J. Danhof