# STATE OF MICHIGAN

# COURT OF APPEALS

*In re* L. LONDO-GOSH, Minor.

UNPUBLISHED
June 20, 2024

No. 368774
Muskegon Circuit Court
Family Division
LC No. 22-000956-NA

Before: RICK, P.J., and JANSEN and LETICA, JJ.

PER CURIAM.

Respondent-mother (respondent) appeals as of right the trial court order terminating her parental rights to the minor child, LLG,[1] under MCL 712A.19b(3)(c)(*i*) (conditions that led to adjudication continue to exist), (c)(*ii*) (failure to rectify other conditions), (g) (failure to provide care or custody although able to do so), and (j) (reasonable likelihood of harm if returned to parent). We affirm.

## I. FACTS AND PROCEEDINGS

In June 2019, a petition was filed in Ottawa County seeking the removal of respondent's children, JJ and DLH, from her care because of substance abuse, manic behavior, and domestic violence. Despite the provision of services, the termination of respondent's parental rights to her son, DLH, occurred in October 2021, and DLH was placed with and ultimately adopted by respondent's brother and sister-in-law.[2] Within 120 days of the termination of respondent's parental rights to DLH, respondent gave birth to LLG in February 2022. Meconium tests showed that LLG had tetrahydrocannabinol (THC), amphetamine, and methamphetamine in her system. A petition was filed in Muskegon family court seeking to remove LLG from respondent's care, citing the prior termination of respondent's parental rights and the continuation of her mental

[1] There was also a request to terminate the father's parental rights. His participation in services and disposition are not at issue in this appeal.

[2] We do not have the benefit of the Ottawa family court record. But, the Muskegon family court petition alleged that JJ aged out of the foster-care system. At the termination hearing, it was disclosed that DLH was adopted by respondent's relative placement.

health and substance abuse issues. LLG was placed with the same relatives who had adopted DLH. At the initial proceeding in this case, respondent waived the finding of probable cause and agreed that LLG should remain in her relatives' care. Further, at the adjudication hearing, respondent made admissions to the allegations in the petition that her parental rights to DLH were terminated and that LLG was born with drugs in her system. Respondent began to participate in services to address her barriers, including mental health, substance abuse, housing, and employment.

After several missed appointments, respondent participated in a psychological evaluation by Dr. Joseph Auffrey. Because she had a long history of substance abuse, Dr. Auffrey opined that respondent should remain sober from drugs and alcohol for a full year before she could safely take care of LLG. Dr. Auffrey and respondent's therapist also suggested that respondent submit to a psychiatric evaluation considering respondent's prescription for Adderall to address her attention deficit hyperactivity disorder (ADHD). Adderall contains amphetamines, and respondent misused the drug by crushing up the pills and snorting them as a powder. A psychiatric review was requested to determine if another medication could be prescribed for respondent's ADHD that would not contribute to respondent's substance abuse. Respondent also had a history of anxiety and depression, and her therapist believed that respondent might need treatment for those mental-health conditions. Despite her therapist's referral, respondent never underwent a psychiatric examination.

While placed with relatives, it was noted that LLG frequently coughed after consuming a bottle. LLG was diagnosed with dysphagia, a medical condition that impacted the infant's ability to swallow. The condition required frequent medical visits and physical therapy. LLG's caregivers needed to thicken liquids to prevent LLG from aspirating them into her lungs. Although respondent attended between 65% and 70% of her scheduled parenting-time visits, she attended only 1 of 50 medical appointments to address LLG's dysphagia.[3] Respondent indicated that LLG's symptoms were not caused by a physical medical problem, but attributed her condition to the type of feeding bottle. During respondent's supervised parenting time with LLG, respondent gave LLG water and ignored the aide's advice to add a thickener. Respondent's omission caused LLG to cough. Additionally, respondent placed a coin in LLG's waistband. The coin was later found in LLG's diaper by daycare employees. There was a third incident where respondent and LLG were removing items from respondent's purse, and LLG grabbed respondent's vape pen. Respondent had to be informed not to give LLG coins because they presented a choking hazard and to remove the vape pen from LLG's possession. Ultimately, the court suspended respondent's supervised parenting time.

Further, although the Department of Health and Human Services (DHHS) provided many services to respondent over a period exceeding 18 months, respondent had numerous drug screens that were positive for illegal substances and reflected excessive amounts of amphetamine, THC, and unprescribed drugs like Gabapentin. Approximately one month before her termination hearing, respondent drank alcohol and drove her car into some trees because she had suicidal

[3] Respondent apparently attributed her lack of attendance at the medical appointments to the distance and reliability of her vehicle. But, it was noted that respondent used her vehicle to attend her own chiropractic visits despite the distance.

thoughts. To her credit, respondent did participate in mental-health services and parenting time and obtained employment. But, respondent did not pursue the housing services offered, reported living either in her vehicle or at her storage unit, and did not resolve her substance-abuse issues. Following the presentation of evidence, the trial court ruled that clear and convincing evidence established statutory grounds for termination and that termination of respondent's parental rights was in LLG's best interests.

## II. EVIDENCE OF RESPONDENT'S PRIOR TERMINATION CASE

Respondent first alleges that, at the termination hearing, the trial court improperly considered hearsay evidence addressing the prior termination case and made unfounded assumptions about her barriers and services in that case. We disagree.

To properly preserve an issue for appellate review, a respondent should object in the trial court. *In re VanDalen*, 293 Mich App 120, 135; 809 NW2d 412 (2011). "To preserve an evidentiary error for appeal, a party must object at trial on the same ground that it presents on appeal." *Nahshal v Fremont Ins Co*, 324 Mich App 696, 709-710; 922 NW2d 662 (2018) (citation omitted). There is no indication that respondent objected to the admission of evidence pertaining to the Ottawa termination proceeding addressing DLH and the services provided. This issue is unpreserved.

Unpreserved issues are reviewed for plain error affecting substantial rights. *In re Sanborn*, 337 Mich App 252, 258; 976 NW2d 44 (2021) (quotation marks and citation omitted). "To avoid forfeiture under the plain error rule, three requirements must be met: 1) an error must have occurred, 2) that error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights." *Id*. (quotation marks and citation omitted). In general, an error is deemed to affect substantial rights if it caused prejudice; that is, it affected the proceedings outcome. *Id*.

At the adjudicative phase of child protective proceedings, the trial court decides whether to take jurisdiction over the child. *In re Collier*, 314 Mich App 558, 567; 887 NW2d 431 (2016). In this phase, a respondent has the choice to enter a plea of admission to the allegations in the petition, plead no contest, or demand a trial to contest the merits of the petition. *In re Sanders*, 495 Mich 394, 405; 852 NW2d 524 (2014). Generally, the rules of evidence apply at adjudication hearings. *Collier*, 314 Mich App at 568, 573. However, at a termination hearing, "all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value." MCR 3.977(H)(2); see also *In re Ferranti*, 504 Mich 1, 16; 934 NW2d 610 (2019) (when the court holds a termination hearing, the rules of evidence are generally inapplicable). If a supplemental petition later alleges new or different circumstances from those that led the court to take jurisdiction, clear and convincing, legally admissible evidence must establish that the new or different circumstances are true and that they come within a statutory ground for termination. MCR 3.977(F)(1)(b); *In re Jenks*, 281 Mich App 514, 516; 760 NW2d 297 (2008).

Judicial notice is a replacement for proof. *Winekoff v Pospisil*, 384 Mich 260, 268; 181 NW2d 897 (1970). The purpose of judicial notice is to save "the time, trouble and expense which would be lost in establishing in the ordinary way facts which do not admit of contradiction." *Id*. (quotation marks and citation omitted). A judicially noticed fact is one not subject to reasonable

dispute because it is "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." MRE 201(b)(2).[4] "A court may take judicial notice whether requested or not," MRE 201(c), and such notice "may be taken at any stage of the proceeding," MRE 201(e). The courts may take judicial notice of a public record. *Johnson v Dep't of Natural Resources*; 310 Mich App 635, 649; 873 NW2d 842 (2015). "A court may take judicial notice of its own files and records." *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009); see also *Hawkeye Casualty Co v Frisbee*, 316 Mich 540, 549; 25 NW2d 521 (1947) (wherein our Supreme Court took judicial notice of facts in a pending related case "to supply the alleged defects in the present record."). "[A]ppellate courts can review the propriety of the judicial notice taken by the court below and can even take judicial notice on their own initiative of facts not noticed below." *People v Burt*, 89 Mich App 293, 297; 279 NW2d 299 (1979).

Respondent asserts that the trial court did not rely on admissible evidence addressing the termination of respondent's parental rights to DLH in Ottawa County. Yet, it appears that the trial court acquired the Ottawa County family court records to take judicial notice of the proceeding. Specifically, on March 16, 2022, the trial court ordered DHHS and all other treating or supervising agencies to release their records to it, the attorneys of record, and the parties. These entities were to provide all information related to the children and parents. This order included, but was not limited to, medical treatment, substance abuse, mental health, counseling, and education records. The record does not indicate that DHHS failed to comply with this order.

In addition to the court's order requiring record disclosure of respondent's other proceedings, there was testimony offered at the termination hearing addressing the Ottawa County family court case. Specifically, respondent's sister-in-law testified that she adopted respondent's child, DLH, after respondent's parental rights were terminated. Respondent's foster-care worker, Alison Williams, testified that she had knowledge about the termination case involving DLH, which began in 2019. Williams also testified that, as in this case, one of respondent's barriers was substance abuse, and many of the services provided to respondent in the case involving DLH were the same as those provided in this case. When asked by respondent's counsel why she did not think respondent should have more time to engage in services given LLG's young age, Williams testified that respondent was offered services since 2019 to address the same barriers, but respondent did not benefit from services to overcome her substance abuse.

Respondent fails to address the court order to DHHS requiring disclosure of respondent's other proceedings or the admissibility of Williams's testimony. Moreover, there was no objection to either the court order or the testimony. And, the Michigan Rules of Evidence did not apply to the termination hearing because termination did not occur at the initial dispositional hearing or a hearing on a supplemental petition asserting different circumstances. MCR 3.997(H)(2). Therefore, respondent failed to demonstrate plain error affecting her substantial rights.

[4] Our citation to MRE 201 is to the version in effect at the time of respondent's termination proceeding, and not the amendment effective January 1, 2024.

## III. HEARING AND PLACEMENT OF LLG INTO FOSTER CARE

Respondent asserts that the trial court failed to follow the correct procedures and make necessary findings when removing LLG from her custody and placing her in foster care. We disagree.

Pursuant to MCR 3.965(A)(1), a trial court must conduct a preliminary hearing "no later than 24 hours after the child has been taken into protective custody . . . unless adjourned for good cause shown, or the child must be released." See also MCL 712A.13a(2). MCR 3.965(B) sets forth the procedure for the preliminary hearing and provides, among other things, that "[t]he trial court may authorize the filing of the petition upon a showing of probable cause, unless waived, that one or more of the allegations in the petition are true and fall within MCL 712A.2(b)." MCR 3.965(B)(12). Further, under MCR 3.965(C)(1), the trial court must "receive evidence, unless waived, to establish the criteria for placement set forth in subrule 3.965(C)(2) are present." MCL 712A.13a(9) and MCR 3.965(C)(2) both provide, among other things, that the trial court may order placement of the child in foster care if the parent's custody presents a substantial risk of harm to the child and is contrary to the child's welfare, and that reasonable efforts were made not to remove the child but that only removal will adequately safeguard the child.

Importantly, however, MCR 3.965(C)(1) states that the trial court must receive evidence to establish the factors in MCR 3.965(C)(2), "unless waived." At the hearing on March 16, 2022, respondent's counsel stated that she discussed the issues with respondent, and respondent agreed to waive probable cause and that LLG should be placed outside of her care and in the custody of her sister-in-law. Waiver is the intentional relinquishment of a known right, and a person who waives her rights may not then seek appellate review of a claimed deprivation of those rights because the waiver extinguishes any error. *People v Carter*, 462 Mich 206, 215; 612 NW2d 144 (2000); *LME v ARS*, 261 Mich App 273, 277; 680 NW2d 902 (2004). Because respondent waived the presentation of evidence and consented to have LLG placed with respondent's relatives, the factual requirements of MCR 3.965(C)(1), (2) as delineated in *In re Williams*, 333 Mich App 172, 182-183; 958 NW2d 629 (2020), were not implicated. Moreover, the purpose of the factual finding requirement is to allow for meaningful appellate review. *Id*. at 183. The preliminary hearing occurred following entry of the ex parte order to take LLG into protective custody. This order detailed the circumstances of LLG's birth, respondent's prior termination proceeding, and respondent's barriers to reunification as well as the interviews, team meetings, and safety planning that occurred before and in an effort to prevent LLG's emergency removal. This order and respondent's consent were sufficient to satisfy the factual criteria necessitating placement. This claim of error does not entitle respondent to appellate relief.

## IV. EFFECTIVE ASSISTANCE OF COUNSEL

Respondent also contends that, because she was represented by different attorneys from the Muskegon County Public Defender's Office, she was denied the effective assistance of counsel. We disagree.

Respondent did not raise a claim of ineffective assistance of counsel in the trial court or in a motion for remand. Therefore, this issue is not preserved. *In re LT*, 342 Mich App 126, 133; 992 NW2d 903 (2022).

> Claims of ineffective assistance of counsel are mixed questions of fact and law. We review for clear error a trial court's factual findings, and questions of constitutional law are reviewed de novo. Clear error exists if the reviewing court is left with a definite and firm conviction that the trial court made a mistake. Where a party fails to preserve a claim of ineffective assistance of counsel, this Court's review is limited to mistakes apparent on the record. [*In re Lovitt*, ___ Mich App ___, ___; ___ NW2d ___ (2024) (Docket No. 367124); slip op at 2 (quotation marks and citation omitted.]

"The principles applicable to claims of ineffective assistance of counsel in the arena of criminal law also apply by analogy in child protective proceedings; therefore, it must be shown that (1) counsel's performance was deficient, falling below an objective standard of reasonableness, and that (2) the deficient performance prejudiced the respondent." *In re Martin*, 316 Mich App 73, 85; 896 NW2d 452 (2016) (citation omitted). Respondent also has the burden to establish the factual predicate for her ineffective assistance of counsel claim. *People v Douglas*, 496 Mich 557, 592; 852 NW2d 587 (2014). "The effective assistance of counsel is presumed, and a party claiming ineffective assistance bears a heavy burden of proving otherwise." *In re Casto*, 344 Mich App 590, 612; 2 NW3d 102 (2022).

Respondent's argument is based primarily on her theory that she could not have been properly represented because many attorneys represented her. Although six different attorneys appearing on respondent's behalf over a period of about 20 months is not conducive to a close attorney-client relationship, we are not persuaded that this alone denied her the effective assistance of counsel or that the conduct of any one attorney amounted to ineffective assistance of counsel.

Respondent asserts that counsel representing her at the first hearing did not object to the trial court's failure to follow the correct procedure when LLG was placed in foster care with respondent's sister-in-law. At the hearing, counsel stated that she went over the issues with respondent, that they wanted to waive the probable-cause finding, and that respondent agreed that LLG should remain in her sister-in-law's care. Nothing in the record suggests that respondent disagreed with the waivers that counsel placed on the record. Rather, respondent's primary concern at the hearing was whether her sister-in-law or her mother could supervise additional parenting-time visits so that she could spend more time with LLG than the DHHS's minimum of two hours a week.

On appeal, respondent does not assert that counsel failed to discuss the petition and the waivers with her, and she fails to explain how the waivers prejudiced her. Further, respondent does not assert that the allegations in the petition lacked probable cause or that they were untrue, and she fails to articulate why LLG should have remained in her custody when her counsel stated that respondent agreed with LLG's placement. In the absence of some showing that counsel misrepresented respondent's position, nothing in respondent's argument suggests that counsel's performance fell below an objective standard of reasonableness. See *Martin*, 316 Mich App at 85.

The same attorney represented respondent at the adjudication, and respondent asserts that counsel "had her plead to an amended petition . . . ." At the adjudication, respondent entered a plea, admitting that her parental rights to DLH were terminated in the Ottawa County family court

and that LLG was born with drugs in her system. Respondent admitted that those facts were true and that she was entering the plea of her own free will. To the extent that respondent implies that counsel insisted that she enter the plea, respondent plainly testified to the contrary. The alternative to a plea would have been for respondent to demand a trial to adjudicate facts in the petition, but the facts she admitted were readily verifiable through court records and LLG's hospital records. DHHS could easily establish these facts by a preponderance of the evidence and respondent does not claim that these facts are untrue. Therefore, even if respondent could show that counsel urged her to enter a plea, she has not shown that this deprived her of the effective assistance of counsel or caused her prejudice. See *id*.

Respondent further argues that she had to state on the record that she did not yet have contact with her new counsel at a hearing on March 29, 2023. The record reflects that counsel objected to the entry of exhibits offered by petitioner because she had not received them before the hearing. The trial court admitted the exhibits pending any objections from the public defender's office because the documents were sent to respondent's prior counsel at that office. Nonetheless, counsel advocated for respondent on various issues on the record, and emphasized that respondent had several clean drug screens.

Two weeks later, on April 12, 2023, the trial court held a review and permanency planning hearing. Respondent stated that she had not spoken to her counsel since the previous hearing. Counsel confirmed respondent's phone number on the record and reported that she had "been calling" respondent; however, the number did not ring when she called. Respondent confirmed that counsel had the correct phone number. Respondent did not say that her phone was out of service and she said that she had also been trying to contact counsel. Respondent and her counsel then scheduled a time for a phone conference and the trial court maintained the status quo.

At the hearing on May 8, 2023, counsel told the trial court that she had spoken to respondent, who said that she was trying her best. Although respondent had some problems scheduling appointments related to housing, she was living with her grandmother and believed that her residence was suitable for LLG and herself. Counsel emphasized that respondent attended therapy at least once a week and attended a relapse program through Fresh Coast Alliance. Notwithstanding these assertions, the trial court directed petitioner to file a petition to terminate respondent's parental rights. Respondent had drug screens that showed the presence of unprescribed medications and amphetamine levels that were inconsistent with respondent's Adderall prescription. Respondent did not attend the next hearing on July 31, 2023. Counsel represented that she had spoken to respondent. Counsel also explained to the trial court how the timing of respondent taking her prescription Adderall could impact the amount of amphetamine that appeared in her drug screens. Based on this record, respondent's claim that counsel did not communicate with her is inaccurate. Counsel attempted to call respondent at her working phone number, they spoke several times thereafter, and counsel made numerous arguments on

respondent's behalf. Again, respondent has not shown that counsel's conduct fell below an objective standard of reasonableness. See *id*.[5]

Respondent further contends that counsel failed to object when "a whole lot of inadmissible, unadjudicated allegations came in free of any objection or argument whatsoever" at the termination hearing. Respondent fails to describe the inadmissible evidence to which counsel should have objected or the allegations that could not be raised at the termination hearing. Because respondent has not articulated any specific information or analysis to support her allegations that counsel performed deficiently, we are unable to review her contention that counsel's conduct fell below an objective standard of reasonableness. See *id*. Further, "[a] party cannot simply assert an error or announce a position and then leave it to this Court to discover and rationalize the basis for [her] claims, or unravel and elaborate for [her her] argument, and then search for authority either to sustain or reject [her] position." *In re TK*, 306 Mich App 698, 712; 859 NW2d 208 (2014) (quotation marks and citations omitted; alterations in original).

To the extent that respondent suggests that she must not have received the effective assistance of counsel due to the number of attorneys from the public defender's office that represented her, we disagree. Although respondent's attorneys changed often, the record shows that the trial court allowed them additional time or permitted them to raise objections after counsel had an opportunity to review the issues. Absent a showing of any errors counsels made or that their conduct fell below an objective standard of reasonableness, respondent has failed to establish the factual predicate for her claim, see *People v Hoag*, 460 Mich 1, 6; 594 NW2d 57 (1999), and has not demonstrated that she was denied the effective assistance of counsel.

## V. BEST INTERESTS OF THE CHILD

Finally, respondent argues that the trial court clearly erred when it found that termination of her parental rights was in LLG's best interests.[6] We disagree.

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[5] We further reject respondent's contention that her counsel was ineffective for failing to object to a "simplified treatment plan" that was comprised of 29 steps. Respondent acknowledges that, at that time, the goal had been changed to adoption. Furthermore, there is no indication that respondent correlated her inability to contact counsel to phone service or transportation.

[6] Respondent does not argue that the trial court erred by finding clear and convincing evidence to support the statutory grounds for termination of her parental rights. As such, we may presume that the trial court did not clearly err by finding that the unchallenged statutory grounds were established by clear and convincing evidence. See *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds *In re Trejo*, 462 Mich 341; 612 NW2d 407 (2000).

We observe, however, that clear and convincing evidence established that, over more than a year and a half, respondent did not resolve her substance-abuse issues, which was a condition that led to the adjudication. Evidence also showed that respondent had numerous opportunities and many months to address these issues, and there was no reasonable likelihood that she will

Under MCL 712A.19b(5), "[i]f the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." We review "for clear error a trial court's factual finding that termination of a parent's parental rights is in the child's best interests." *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004). "Best interests are determined on the basis of the preponderance of the evidence." *In re LaFrance*, 306 Mich App 713, 733; 858 NW2d 143 (2014).

Respondent specifically asserts that the trial court's best-interest analysis was an "afterthought" and that the result should have been different because no evidence showed that she ever abused LLG or that her drug use actually harmed LLG. We disagree.

The trial court found it particularly troubling that respondent received services through the DHHS since 2019 for her substance-abuse issues. Despite the provision of services, respondent could not remain drug-free during her pregnancy with LLG and LLG was born with drugs in her system. In the trial court's view, no further benefit would occur from allowing respondent more time to participate in services when she failed to benefit from them for such a long period. The trial court further found that, although respondent participated in some services during the pendency of this case, she did not benefit from them to the point that the trial court could safely return LLG to her care.

The trial court also noted that LLG was fortunate to have foster parents who attended to her serious medical needs. In contrast, respondent only went to one of LLG's swallow-study appointments for dysphagia, which the trial court viewed as a lack of commitment to LLG's care. The trial court also expressed dismay that respondent placed LLG's life at risk by intentionally giving her plain water when her dysphagia required her to have thickened liquids. The trial court found it fortunate that aides were present to help LLG when respondent did this, and LLG was at risk of significant harm if this occurred while LLG was alone with respondent. The trial court determined that this incident, among others, showed that, although respondent was aware of what to do and had the ability to do things correctly, she simply would not do so.

The trial court further found that respondent continued to have problems with substance abuse, as shown by her consumption of alcohol before her car accident in October 2023. The trial court expressed a concern that, for much of the case, respondent preferred to be near respondent-father, who also had significant substance-abuse issues and declined to participate in any services, rather than being with LLG. According to the trial court, this was true even though respondent-

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rectify them within a reasonable time considering LLG's age. For this reason, the trial court did not clearly err when it terminated respondent's parental rights pursuant to MCL 712A.19b(3)(c)(*i*). "It is only necessary for the DH[H]S to establish by clear and convincing evidence the existence of one statutory ground to support the order for termination of parental rights." *In re Frey*, 297 Mich App 242, 244; 824 NW2d 569 (2012). For this reason, and because respondent does not challenge them, we decline to address the other statutory grounds for termination.

father was abusive to respondent. Further, the trial court again observed that respondent could engage in services when she wanted to, but she did not consistently do so and garnered little benefit from them.

The trial court emphasized that LLG was with a foster family that could care for her medical needs and numerous appointments, LLG's sibling also lived in the home, LLG was strongly bonded to the foster family, and the family was willing to offer LLG permanence. Although placement with a relative generally weighs against termination, it is not dispositive and termination is appropriate if the trial court concludes, as here, that termination is in the child's best interests. *In re Olive/Metts*, 297 Mich App 35, 43; 823 NW2d 144 (2012).

Contrary to respondent's argument, the possibility of a guardianship was proffered to LLG's caregiver, respondent's sister-in-law, and the foster-care worker, Williams. However, the sister-in-law testified that she would not act as LLG's guardian in lieu of adoption, and Williams testified that Arbor Circle would not support a guardianship for LLG. The trial court specifically ruled that a guardianship would not be appropriate in LLG's circumstances. For these reasons, respondent's claim that the trial court failed to consider a guardianship is incorrect.

Pursuant to MCL 712A.19a(9)(c), a guardianship that continues until the child is emancipated is appropriate if termination is not in the best interests of the child. See also *In re Prepodnik*, 337 Mich App 238, 243; 975 NW2d 66 (2021). In this case, however, the trial court ruled that termination was in LLG's best interests and specifically rejected guardianship as the best option for LLG. Based on the ample evidence presented during the termination hearing, the trial court did not clearly err when it found that a preponderance of the evidence supported its conclusion that termination of respondent's parental rights was in LLG's best interests. See *LaFrance*, 306 Mich App at 733.

Affirmed.

/s/ Michelle M. Rick
/s/ Kathleen Jansen
/s/ Anica Letica