

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL WADE
and DaVANTE WADE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TINA ADAMS,

Respondent-Appellant,
and

MICHAEL WADE,

Respondent.

UNPUBLISHED
February 16, 1999

No. 212957
Wayne Circuit Court
Family Division
LC No. 98-363520

Before: Murphy, P.J., and MacKenzie and Talbot, JJ.

MEMORANDUM.

Respondent-appellant Tina Adams (hereafter “respondent”) appeals as of right from a family court order taking temporary jurisdiction over her two minor children. We affirm.

The trial court did not clearly err in finding that the allegations contained in the petition were proven by a preponderance of the evidence and established a statutory basis for jurisdiction. *In re Toler*, 193 Mich App 474, 476; 484 NW2d 672 (1992). The evidence showed that respondent did not provide proper care and custody by failing to protect Michael from continued sexual abuse. The court’s exercise of jurisdiction was proper under MCL 712A.2(b)(1); MSA 27.3178(598.2)(b)(1).

We reject respondent’s claim that the court’s exercise of jurisdiction was improper because there was no showing that either she or anyone else in her household was directly responsible for the

alleged sexual abuse. Jurisdiction was assumed because respondent failed to protect her son from sexual abuse and continued to expose him to the perpetrator even after he reported the abuse to her. Respondent's continued failure to protect her son from the perpetrator constituted a failure to provide proper care and custody for purposes of MCL 712A.2(b)(1); MSA 27.3178(598.2)(b)(1). Hence, the assumption of jurisdiction was proper.

Affirmed.

/s/ William B. Murphy

/s/ Barbara B. MacKenzie

/s/ Michael J. Talbot