

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRIDGET M. MARTIN, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSEMARY MARTIN,

Respondent-Appellant,

and

FRANK HILL,

Respondent.

In the Matter of COLLYN STEINBRECHER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSEMARY MARTIN,

Respondent-Appellant,

and

SHAWN STEINBRECHER,

UNPUBLISHED

May 23, 2000

No. 218660

Dickinson Circuit Court

Family Division

LC No. 98-000512-NA

No. 218694

Dickinson Circuit Court

Family Division

LC No. 98-000513-NA

Respondent.

In the Matter of COLLEEN STEINBRECHER,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSEMARY MARTIN,

Respondent-Appellant,

and

SHAWN STEINBRECHER,

Respondent.

No. 218695
Dickinson Circuit Court
Family Division
LC No. 98-000525-NA

Before: Hood, P.J., and Saad and O'Connell, JJ.

PER CURIAM.

In these consolidated appeals, respondent appeals as of right from three family court orders terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (g) and (j); MSA 27.3178(598.19b)(3)(b)(ii), (g) and (j). We affirm.

Respondent's sole argument on appeal is that the trial court clearly erred in admitting the out-of-court statements made by her four-year-old daughter to a police trooper and an emergency room nurse, indicating that she directed the child to conceal the fact that respondent's boyfriend caused the child's vaginal injuries. Respondent urges us to conclude that the court erred in permitting testimony regarding the child's statements under MCR 5.972(C)(2) because they were not corroborated.

The crux of the child's hearsay statement, as it related to respondent, was that respondent instructed her daughter to lie about the source of her vaginal injuries. An emergency room nurse testified at trial that the child's story appeared to be rehearsed. The nurse also testified that the child continuously repeated her story in respondent's presence, but that after respondent left the room, she

became upset and began to cry. A police trooper testified that the child was calm during a two and one-half hour interview, except when the trooper asked the child about the cause of her injuries. The child became upset and began to cry. In our view, this evidence was indicative of a child torn between the truth and lies, and corroborated the child's story that respondent instructed her to conceal the true source of her injuries. *In re Brimer*, 191 Mich App 401, 406; 478 NW2d 689 (1991).

We likewise reject respondent's claim that the child's statements did not fall within the definition of child abuse contained in MCL 722.622(e); MSA 25.248(2)(e).¹ Initially, we note that respondent has failed to sufficiently argue this position. An appellant may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998).

In any event, we conclude that respondent's act of directing her four-year-old daughter to conceal the fact that respondent's live-in boyfriend had sexually abused her, under the circumstances of this case, may properly be considered abuse. MCL 722.622(e); MSA 25.248(2)(e) includes within its definition of the term "child abuse," any "harm or threatened harm to a child's health or welfare by a parent," and includes "maltreatment." Had the act been successfully concealed, respondent's boyfriend would have continued to pose a threat to the child's health and welfare. Therefore, respondent's attempt to conceal the act and to protect her boyfriend at least qualified as maltreatment, if not an enabling mechanism for further sexual abuse. The trial court did not err in admitting the child's out-of-court statements.

We also note that, contrary to respondent's claim, even if we determined that the testimony was improperly admitted, given the sufficiency of the untainted evidence, any error was harmless. MCR 2.613(A); *People v Lukity*, 460 Mich 484, 495-496; 596 NW2d 607 (1999). Our review of the lower court proceedings reveals that respondent had a history of covering-up for her boyfriend's abuse toward her children, and for making excuses on his behalf.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Peter D. O'Connell

¹ At the time of the lower court proceedings, the definition of "child abuse" currently found in 722.622(e); MSA 25.248(2)(e) was contained in 722.622(c); MSA 25.248(2)(c). See 1996 PA 581.