

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

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In the Matter of CHRISTOPHER ALLEN CAREY,  
MICHAEL LEE CAREY, and AMANDA ANN  
CAREY, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

MARY VIRGINIA CAREY, a/k/a MARY  
VIRGINIA PROVENZANO,

Respondent-Appellant,

and

DWIGHT LEE CAREY,

Respondent.

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Before: Markey, P.J., and Jansen and Zahra, JJ.

PER CURIAM.

Respondent-appellant mother appeals as of right<sup>1</sup> from an order of the family court terminating her parental rights to her three children pursuant to MCL 712A.19b(3)(b)(ii) [failure to prevent physical and sexual abuse to the children and reasonable likelihood that children will suffer injury or abuse if placed in the parent's home], (3)(g) [failure to provide proper care or custody with no reasonable expectation that parent will be able to do so within a reasonable time], and (3)(j) [based on conduct or capacity of the parent that the children will be harmed if returned to the parent]. We affirm.

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<sup>1</sup> The father of the children, Dwight Lee Carey, does not appeal the family court's termination of his parental rights under MCL 712A.19b(3)(a)(ii) [desertion].

Based on our review of the entire record, we find that there was clear and convincing evidence to support the family court's decision to terminate respondent-mother's parental rights under the above-cited statutory provisions. MCL 712A.19b(3); MSA 27.3178(598.19b)(3); MCR 5.974(F)(3). The children were made temporary court wards in August 1999, had been in counseling for the previous year because of chronic behavioral problems, and the family had a history with protective services in 1996 because respondent-mother physically abused the oldest child. The children were made temporary court wards because respondent-mother's living together partner, Brian Provo, was sexually abusing Amanda and choked Michael. Respondent-mother told police officers that she was aware that Provo molested Amanda on three different occasions, yet she married him six days after the children were made temporary court wards. She also told the foster care worker that she preferred Provo to her children. Respondent-mother supported Provo until he pleaded guilty in November 1999 to several counts of criminal sexual conduct involving Amanda, to which he was sentenced to a prison term of nine to thirty years. There was no evidence in the record that respondent-mother had the capacity to protect or care for the children, and she clearly failed to do so when she was living with Provo. Accordingly, the family court's findings and decision are not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Additionally, the family court's decision to terminate parental rights was not contrary to the best interests of the children who are in need of long-term counseling based on a review of the whole record. *Id.*, p 354; MCL 712A.19b(5); MSA 27.3178(598.19b)(5); MCR 5.974(F)(3).

Affirmed.

/s/ Jane E. Markey  
/s/ Kathleen Jansen  
/s/ Brian K. Zahra