

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY SULLIVAN, STAR
SULLIVAN and AYLISA HALL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MALISA HALL,

Respondent-Appellant,

and

JOSEPH HINOJOSA, DARRYL PEKAREK and
DONALD HALL,

Respondents.

UNPUBLISHED

January 25, 2002

No. 233431

St. Clair Circuit Court

Family Division

LC No. 99-000469-NA

Before: Sawyer, P.J., and O'Connell and Zahra, JJ.

MEMORANDUM.

Respondent-appellant appeals by leave granted from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii) and (iii), (c)(i) and (ii), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Although the trial court may have erred in terminating respondent's parental rights under subsection 19b(3)(b)(ii), the trial court did not clearly err in finding that the remaining statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). There was evidence that respondent's live-in boyfriend sexually molested her three-year-old daughter. While there was no evidence that respondent knew of the abuse at the time it occurred, respondent continued to maintain a relationship with the boyfriend after the child's claims were substantiated, even marrying the man and giving birth to his child. Respondent's continued contact with the perpetrator, her inability to obtain suitable housing or employment, and her failure to make progress in therapy provided adequate grounds for the trial court to terminate her parental rights. Further, the

evidence did not show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ David H. Sawyer
/s/ Peter D. O'Connell
/s/ Brian K. Zahra