

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of CW, KW, and SW, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KATHLEEN WILLIAMS,

Respondent-Appellant,

and

ROGER WILLIAMS,

Respondent.

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UNPUBLISHED  
February 15, 2002

No. 234012  
Cheboygan Circuit Court  
Family Division  
LC No. 98-000634-NA

Before: Gage, P.J., and Hoekstra and Meter, JJ.

PER CURIAM.

By application for leave to appeal, respondent-appellant challenges the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j). We affirm.

The trial court did not violate respondent's right to due process by combining the fact finding and best interests steps at the termination hearing. The court rule applicable in this matter, MCR 5.974(F), supports the trial court's actions. Moreover, because respondent's counsel requested that the trial court conduct an *in camera* hearing to obtain the testimony of two of the minor children and later summarize their testimony on the record, respondent waived any error. See *People v Carter*, 462 Mich 206, 214-216; 612 NW2d 144 (2000).

Further, we conclude that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Despite the eldest child's report that respondent's husband, the child's adoptive father, had sexually abused her, respondent continued to support the father's denial of the allegations for more than a year and attempted to get the child to change her story. Thereafter, at counseling respondent sometimes

expressed belief in the abused child, at times did not, and at times was ambivalent. According to that counselor, at a joint session with the eldest child, respondent's affect and responses "border[ed] on bizarre" and "[i]t was like all the work that we had done hadn't made any difference . . . her denial and her lack of support of [the child] was [sic] just unbelievable." Further, while the children were in foster care respondent interacted with a male previously convicted of criminal sexual conduct and domestic violence. The record demonstrates respondent's inability to protect her children. Moreover, the trial court's finding that no evidence established that termination was not in the best interests of the children was not clearly erroneous. MCL 712A.19b(5); *In re Trejo, supra* at 350-356.

Affirmed.

/s/ Hilda R. Gage  
/s/ Joel P. Hoekstra  
/s/ Patrick M. Meter