

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of A.B.W.E., A.M.N.E., T.E.N.E., and  
S.L.R.E., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KELLY EVANS,

Respondent-Appellant,

and

PAUL EVANS,

Respondent.

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UNPUBLISHED  
November 15, 2002

No. 238356  
Oakland Circuit Court  
Family Division  
LC No. 2000-641406-NA

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

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(g) and (j).<sup>1</sup> We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

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<sup>1</sup> The trial court's order also terminated the parental rights of respondent Paul Evans, the children's father. Paul Evans has not appealed the order.

We hold the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. The evidence showed that for some time respondent had known with certainty that one child was sexually abusing another child, but she failed to take sufficient measures to ensure the abuse did not continue. Respondent admitted she was unable to provide proper care for the children, and could not give a realistic estimation of when she might be able to do so without assistance. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent was unable to provide proper care or custody for the children and could not be expected to be able to do so within a reasonable time, MCL 712A.19b(3)(g), and there was a reasonable likelihood the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter