

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TIKA LARAIN PERRY, TANIS  
BRYSON PERRY, and TAYLOR McCAULEY,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

CHRISTINE G. McCAULEY,

Respondent-Appellant,

and

JOSEPH PERRY,

Respondent.

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UNPUBLISHED

January 8, 2004

No. 249557

Ingham Circuit Court

Family Division

LC No. 00-049336-NA

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's termination of her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). Family Independence Agency services commenced in 1997, and four separate providers and many independent professionals have intervened to attempt rehabilitation and reunification. Under ideal circumstances years of additional training will be required for respondent to gain appropriate parenting skills. Because there is no reasonable expectation that respondent will be able to provide proper care and custody within a reasonable period of time considering the respective ages of the children, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent-appellant's separation from her husband removed many of the adjudicating conditions, other issues remained that involved respondent-appellant's own conduct. Respondent-appellant physically abused her son in 1999, she had not adequately protected the minor children from the highly sexualized environment of the home, she had not intervened to protect the children from her husband's inappropriate and/or

abusive punishments, and she failed to take steps to protect her oldest daughter from being sexually abused by a boarder who was a known pedophile. Although respondent-appellant claims she can be a proper parent now that she is free from her husband, numerous therapists and psychologists disagreed. According to these experts, respondent-appellant suffered from psychological disorders which, when combined with the children's heightened needs, made it highly unlikely she would be able to adequately redress the issues that caused the removal of the children from the home.

Secondly, respondent-appellant's failures to protect the children from sexual and physical abuse constituted a clear failure to provide proper care. Because of respondent-appellant's mental impairments and psychological makeup, there was no reasonable likelihood that she would be able to provide proper care within a reasonable amount of time considering the children's ages. The trial court did not base this finding upon "mere conjecture." It relied upon the expert opinion of therapists and psychologists. In addition, it properly evaluated the credibility of respondent-appellant's testimony, as is within the trial court's province.

Lastly, although respondent-appellant did not raise this issue, we find that termination was not contrary to the children's best interests. In making this determination, we note that the special needs of the children require heightened stability and parenting skills, which respondent-appellant appears incapable of providing. Therefore, termination of respondent-appellant's parental rights was not contrary to the children's best interests.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Richard Allen Griffin  
/s/ Kathleen Jansen