

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ANASTASIA MARIE ELLIOTT  
and SABRINA LEE ELLIOTT, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERTA LEE PITTS,

Respondent-Appellant.

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UNPUBLISHED

January 27, 2004

No. 247819

Wayne Circuit Court

Family Division

LC No. 01-399260

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

MEMORANDUM.

Respondent appeals as of right from 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 clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence clearly showed that respondent neglected the children and failed to protect them from physical and sexual abuse from her long-term partner and stepfather, both of whom had also abused respondent. Respondent complied with some of the elements of her parent agency agreement, but had not obtained independent housing and removed herself from the environment of her own past abuse and her children's more recent abuse. She also did not yet recognize the warning signs of danger to the children. The children were severely emotionally damaged, and their physical reaction to the mention of seeing respondent indicated that the trial court correctly refused to allow visits. Return to respondent's care would harm them. Given the length of time yet required for counseling for both respondent and the children, and in light of the lack of success during the time already devoted to rectifying the conditions of adjudication, the trial court did not clearly err in finding that the statutory grounds for termination had been met.

Further, 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); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court decided that termination of respondent's parental

rights was actually in the children's best interests, and the fact that respondent was not yet able to properly parent them and protect them supported that decision.

Lastly, petitioner did not fail to make adequate efforts to reunite the family by refusing respondent visits with the children. Respondent failed to protect them and even condoned and facilitated their abuse, thus causing the children the severe emotional harm that would have made visits with respondent detrimental. Any weakening of the family bond due to lack of visits was the result of respondent's severe neglect of the children.

Therefore, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

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