

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ROSANA RESENDEZ, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JUAN RESENDEZ and MARIA L. RESENDEZ,

Respondents-Appellants.

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UNPUBLISHED  
November 9, 2004

No. 255463  
Oceana Circuit Court  
Family Division  
LC No. 03-003712-NA

Before: Cooper, P.J., and Fitzgerald and Hoekstra, JJ.

PER CURIAM.

Respondents appeal as of right the order terminating their parental rights to the minor child under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (m). We affirm.

The trial court did not clearly err in determining that statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondents voluntarily released parental rights to their fourteen-year-old son, Julian, in 1998 after a petition was filed alleging Julian's physical abuse. On December 18, 2003, the trial court terminated respondents' parental rights to three additional children but declined to terminate parental rights to twelve-year-old Rosana because it was not at that time deemed in Rosana's best interests to do so. Rosana strongly objected to removal from respondents.

Respondents created a home environment that was permeated by excessive corporal punishment, constant fear of punishment, histrionic verbal abuse, blame of the children for the proceedings and other negative events, and an unusual degree of responsibility placed upon the children. Respondents completed parenting classes without a referral in late 2003, but failed to contact the agency in 2004 to pursue a reunification plan with Rosana. Respondents' parental rights to the other three children were terminated in 2003 because of excessive corporal discipline and emotional and verbal abuse. Respondents did not engage in anger management classes or therapy and did not visit Rosana from January 2004 to March 2004. Respondents did not speak English, but the evidence showed that they had the agency's letters to them and their attorney's letters translated, which notified them of visitation times and urged them to contact the agency to pursue reunification. In addition, their attorney was fluent in Spanish and offered to

assist them. Respondents refused services and viewed offers of services as part of a conspiracy to take the children.

Further, the evidence did not show that termination of respondents' parental rights was clearly not in Rosana's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although Rosana wanted to return home, testimony received from Rosana's counselor and her psychologist, as well as the CASA report, showed that Rosana had adjusted to foster care and accepted the fact that she would be separated from respondents until she reached age eighteen. The psychologist's testimony showed that Rosana's posttraumatic stress disorder and anxiety would escalate and develop into a more severe disorder if she were returned to respondents.

Affirmed.

/s/ Jessica R. Cooper  
/s/ E. Thomas Fitzgerald  
/s/ Joel P. Hoekstra