

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KRISTIEN ANN PRICE, MEGAN COLLETTE BAKER, and DALLAS JAMES BAKER, Minors.

FAMILY INDEPENDENCE AGENCY,
Petitioner-Appellee,

v

DANETTE LYNN BAKER,
Respondent-Appellant.

UNPUBLISHED
December 14, 2004

No. 255465
Eaton Circuit Court
Family Division
LC No. 03-014667-NA

Before: O'Connell, P.J., and Bandstra and Donofrio, 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)(iii), (g), and (j). We affirm.

The trial court did not clearly err in determining that the 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). Respondent pleaded to the allegations contained in and factually supported by the petition. The allegations included detailed accounts of her husband's physical abuse of respondent and her children. For example, he had once dragged respondent backward up a set of stairs by her hair. She later divorced him when he had an affair, but she later returned and remarried him. She alleges that the next year he choked her until she passed out. Recent events included him shoving his foot into the stomach of his three-year-old son, Dallas, to stop him from crying. He pulled the hair of his daughter, Megan, and shoved her head into a wall. When authorities investigated an incident where the husband hit ten-year-old Kristien in the mouth with a coffee cup, respondent denied that the incident was intentional and accused Kristien of lying. Respondent failed to verify that she and the children had suffered and continued to suffer physical abuse. Eventually the investigation concluded and the household returned to the status quo.

Kristien, respondent's oldest daughter and the husband's stepdaughter, raised allegations of sexual abuse two months later. Even after the abuse was verified by medical authorities, respondent denied that anything happened. The children were removed from respondent's home

due in part to respondent's refusal to separate from her husband. They were placed with respondent's parents. During her visits with the children, respondent detrimentally discouraged her daughter from "lying" about the incidents, and openly attempted to manipulate the child's story by asserting and withdrawing her affection for her daughter while affectedly lavishing care and attention on the other two children in the daughter's presence. The evidence indicated that this method of relating had a devastating effect on the daughter's emotional state during an extremely difficult time in her life. On one occasion, respondent told her parents that they could keep Kristien, because she only wanted Megan and Dallas back. The evidence at respondent's dispositional hearing showed that respondent backed her husband during his criminal proceedings for domestic violence and criminal sexual conduct against Kristien. Her support included undermining her daughter's credibility at the criminal trial and insisting that her daughter was lying about the abuse.

Rather than deny her behavior, respondent asserted below that she felt controlled by her husband and feared for her own safety. However, this justification fails to explain those incidents of emotional manipulation that occurred outside the husband's presence. Respondent attempted to apply the justification to every poor parenting decision she made from the time the sexual abuse came to light, including her decision at one point to release the children to Latter Day Saints' Children's Services rather than having them temporarily stay at her parents' home where they were well adjusted. The trial court rejected respondent's explanation as a belated attempt to rationalize her parenting and manipulate the system to secure her children's return.

The trial court correctly concluded that respondent failed to take any responsibility for the abuse in the home. Though she claimed to see the truth, respondent continued telephone contact with her husband and took his mother into her home. She maintained telephone contact with the husband, but claimed that she only did so to try to pry a confession from him. On one occasion after her husband's conviction and incarceration, she told a social worker that she felt uncomfortable in parenting classes because she was the only one who was there because of someone else's behavior. Therefore, the petitioner presented clear and convincing evidence that respondent failed to provide adequate care and custody for the children and would not likely remedy the situation within a reasonable time. MCL 712A.19b(3)(g). This evidence also clearly supported the proposition that the children were likely to suffer harm if returned to respondent. Experts testified that respondent's behavior toward Kristien made it much less likely that any of the children would report abuse in the future and, given respondent's history of returning and supporting her husband despite severe abuse of her and the children, the trial court did not clearly err when it found that respondent's poor judgment in her relationships put the children at high risk for further abuse. MCL 712A.19b(3)(j).

Affirmed.

/s/ Peter D. O'Connell
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio