

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALANNA RINGEWOLD and
COLIN RINGEWOLD, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSICA MARIE RINGEWOLD,

Respondent-Appellant,

and

AARON DAVID RINGEWOLD,

Respondent.

UNPUBLISHED

December 20, 2005

No. 263058

Ottawa Circuit Court

Family Division

LC No. 04-050018-NA

Before: Owens, P.J., and Saad and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence, MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000), or in its best interests determination. *Id.* at 353. Testimony established that the children's father, respondent-appellant's husband, inappropriately touched Alanna when they showered together and also made the child touch him in a sexual manner. Respondent-appellant knew that her husband showered with the child and was often present in the home when this occurred. Such testimony, along with evidence that respondent-appellant knew her husband was "obsessed" with pornography and that he had taken inappropriate pictures of a minor girl, support the trial court's findings that there were signs of the father's deviant sexual behavior and that respondent-appellant had the opportunity to prevent the sexual abuse of her daughter, but failed to do so. The trial court also appropriately found that there was a reasonable likelihood that the child would suffer further abuse if placed in respondent-appellant's home based on her past conduct of staying with the children's father and leaving the children in his care despite her knowledge of his behavior. As the trial court noted, given her "extreme

inattention, or even the willful blindness to what was going on around her, and the effect it was having on her children, there's no reason . . . to believe that this would not happen again in the foreseeable future, if her children were returned to her care." Respondent-appellant argues that the trial court erred by failing to take into account that she was divorcing her husband, and therefore there was no likelihood of further abuse. However, testimony suggested that the parties did not intend to obtain a divorce but rather were stating their intention to divorce so that respondent-appellant's parental rights would not be terminated. We give due regard to the trial court's special opportunity to judge the witnesses' credibility, *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), and find that the court did not clearly err.

Respondent-appellant also briefly argues that she was never given an opportunity to prove that she could be a "good" parent without the negative influence of the children's father. However, this argument lacks merit because of the conflicting testimony regarding the parties' intention to divorce and because there was testimony that respondent-appellant stayed with the children's father at his residence before trial.

Affirmed.

/s/ Donald S. Owens
/s/ Henry William Saad
/s/ Karen M. Fort Hood