

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of ALEXANDRA MICHELLE  
MOMANY, Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DANYAIL ANN SCHULTZ,

Respondent-Appellant.

---

UNPUBLISHED

July 10, 2008

No. 283561

Oakland Circuit Court

Family Division

LC No. 06-726917-NA

Before: Owens, P.J., and O'Connell and Davis, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the minor child pursuant to 712A.19b(3)(b)(i) and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The child testified regarding an ongoing history of physical abuse, which was corroborated by her brother's testimony. Their testimony clearly demonstrated that respondent physically abused both children. Although respondent denied engaging in any abuse, the trial court obviously rejected her testimony as not credible. This Court defers to the trial court's determination of credibility, given its superior opportunity and ability to judge the witnesses' appearance and demeanor. *In re LE*, 278 Mich App 1, 18; 747 NW2d 883 (2008); *Sparling Plastic Industries, Inc. v Sparling*, 229 Mich App 704, 716; 583 NW2d 232 (1998). Further, respondent's refusal to recognize or acknowledge that she abused the children made it reasonably likely that the child would be abused in the future if returned to respondent's home, particularly considering the special parenting challenges presented by the child.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354. Respondent's continued denials of abuse, in addition to her attempts to obstruct both Tennessee and Michigan investigations of her children, her continued refusal to obey the no-contact order issued in Tennessee by allowing her husband to have contact with the child, and her continued claims that it was her 13-year-old son who had raped her husband and not the other way around, make it unrealistic that the child would be safe with respondent. The psychiatrist offered by respondent

even testified that a parent's refusal to accept responsibility for her actions meant a poor prognosis for a relationship with the child. The child was entitled to a safe home life, permanence, and stability. Therefore, the trial court did not err in terminating respondent's parental rights to the child. *Id.* at 356-357.

Affirmed.

/s/ Donald S. Owens  
/s/ Peter D. O'Connell  
/s/ Alton T. Davis