

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESENIA RUIZ, LILLIANA
ESTER RUIZ, and EVAN RUIZ, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LACEY RUIZ,

Respondent-Appellant.

UNPUBLISHED

October 20, 2009

No. 292140

Ingham Circuit Court

Family Division

LC No. 09-000334-NA

Before: Fort Hood, P.J., and Sawyer and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The circuit court did not clearly err in finding that § 19b(3)(j) was proven by clear and convincing legally admissible evidence. MCR 3.977(E)(3); *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008). The two girls had previously been made court wards, in part because respondent could not protect herself or the children from domestic violence. Despite participating in all manner of services designed to help respondent end her victimization and to protect the children, respondent refused to recognize that she had to place the children's needs above her own. She maintained a relationship with her abusive partner, became pregnant by him, and lied to try to conceal the relationship when it was discovered just a month after the court had terminated its jurisdiction in the prior case. Considering that respondent was willing to maintain a relationship with an abusive partner despite having received extensive services designed to enable her to free herself from further victimization and thereby protect the children as well, the trial court did not clearly err in finding that the children were likely to be harmed if placed in respondent's home. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Karen M. Fort Hood

/s/ David H. Sawyer

/s/ Pat M. Donofrio