

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.R.H, E.A.J.A, J.C.J.A., and
V.Z.J.B., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER ALEIGHA BROOKS,

Respondent-Appellant.

UNPUBLISHED

November 17, 2009

No. 291250

Oakland Circuit Court

Family Division

LC No. 05-703445-NA

Before: Hoekstra, P.J., and Murray and M.J. Kelly, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm.

Respondent's sole argument on appeal is that the trial court clearly erred in determining that termination of her parental rights was in the children's best interests. We disagree.

Once a statutory ground for termination is established, the trial court shall order termination of parental rights if termination is in the child's best interests. MCL 712A.19b(5); see also *In re Rood*, 483 Mich 73, 102 n 43; 763 NW2d 587 (2009). This Court reviews the trial court's best interests decision for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. Despite respondent's claims to the contrary, the overwhelming evidence indicates that Anthony Hicks physically abused the children. Respondent's daughter testified that her brother suffered bruises on his buttocks, arms, and legs because Hicks beat him with his hands and a belt. Although respondent's mother, Patricia Brooks, claimed that she did not recall reporting the abuse to Child Protective Services, Chris DeBoer testified that he received a referral from Brooks in April 2006 indicating that respondent's son had bruises on his buttocks, that Hicks was violent, and that Brooks feared for the safety of respondent and the children. Contrary to respondent's contention that Hicks never physically abused the children, respondent's daughter testified that respondent told Hicks to stop hitting her son with a belt on one occasion and directed him to stop putting his hands on all of

her children. Thus, the record shows that respondent was aware of the physical abuse and allowed it to occur for a period of time.

The record does not support respondent's claim that Hicks was no longer violent after she rekindled her relationship with him and that no domestic violence occurred after she allowed him back into her life. The month before the sexual assault occurred, Hicks choked respondent's daughter while she was standing against a wall in respondent's presence. Following the incident, respondent asked her daughter if she wanted to go to Brooks's home and drove her there. Thus, the record supports the child's testimony that respondent was unable to protect the children from Hicks and contradicts respondent's claim that Hicks was not physically abusive.

Further, respondent continued to associate with Hicks after he sexually assaulted one of her children, "X." Respondent admitted that she continued to have contact with Hicks and sent him text messages in the months following the assault. "X" saw Hicks's car in the driveway of the home and others told her that they had seen respondent and Hicks together. "X" expressed anger and resentment toward respondent for allowing Hicks back into the home after the assault and directing the children not to tell others that Hicks was back in the home. The record fails to support respondent's claim that she did not coach the children to deny that Hicks resided with the family. Although respondent maintained that she was in a car with Hicks when she was arrested in April 2008 only because he promised to give her money, her testimony and the version of the incident that she provided during her psychological evaluation conflicted. Thus, even during trial, respondent minimized her continued association with Hicks after the sexual assault and failed to fully accept responsibility for her poor choices. Respondent's failure to acknowledge and appreciate the impact of her relationship with Hicks on the children supports the trial court's determination that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Christopher M. Murray
/s/ Michael J. Kelly