

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of K A WILLIAMS, Minor.

UNPUBLISHED

October 21, 2010

No. 298180

Isabella Circuit Court

Family Division

LC No. 2009-000174-NA

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In the Matter of M M SLAVIK, Minor.

No. 298181

Isabella Circuit Court

Family Division

LC No. 2009-000175-NA

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Before: SAYWER, P.J., and FITZGERALD and SAAD, JJ.

PER CURIAM.

In this consolidated appeal, respondent-appellant appeals the trial court's orders that terminated her parental rights to two minor children under MCL 712A.19b(3)(b)(ii). For the reasons set forth below, we affirm.

Respondent mother does not contest the trial court's finding of sufficient evidence to terminate her parental rights under MCL 712A.19b(3)(b)(ii). MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence clearly showed that respondent's boyfriend, D. Slavik, perpetrated nearly fatal severe physical abuse on K. A. Williams in June 2008 and October 2009 that rendered her developmentally delayed. Respondent failed to protect the child after several warnings to prohibit Slavik from having contact with her children. However, respondent argues that the trial court erred when it found that termination is in the best interests of the children because it failed to adequately consider evidence favorable to respondent.

We hold that the trial court did not err when it ruled that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).<sup>1</sup> The court terminated respondent's parental rights to K.

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<sup>1</sup> The trial court's findings are sufficient if it appears that the trial court was aware of the issue in the case and correctly applied the law. *People v Armstrong*, 175 Mich App 181, 184; 437 NW2d 343 (1989). The trial court may consider all evidence on the record as a whole in determining  
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A. Williams and M. M. Slavik at the initial disposition, but her rights to two other children were not terminated. In its oral opinion, the trial court gave a detailed summary of the evidence presented during the three-day hearing. The court observed that some witnesses testified that the children had a bond with respondent, she had made slow progress in domestic violence counseling, she was cooperative with the caseworker, and she had the capacity to understand her responsibility for K.A. Williams' abuse. Respondent's witnesses testified that respondent was an appropriate parent before she started a relationship with Slavik, and in Slavik's absence was again appropriate, or could be appropriate with the provision of services. However, the trial court did not err when it declined to accord this evidence more weight because the witnesses providing this favorable testimony were not aware of all facts, including respondent's cocaine abuse and previous warnings by DHS to prohibit Slavik's contact with her children. Importantly, the trial court heard explicit evidence of repeated warnings from protective services in both Montcalm and Isabella Counties to prohibit Slavik's contact with the children, respondent's affirmative decisions to disregard that advice, her conduct in facilitating Slavik's access to her children, her choice to have another child with Slavik, her repeated and extremely poor decision-making, and the slow and difficult process required to modify her dependent personality. Regard is given to the trial court's special ability to judge the credibility of the witnesses who appeared before it. *In re Miller*, 433 Mich at 337. We find no error in the trial court's weighing of the evidence.

Respondent argues the trial court failed to consider that the judge who criminally sentenced Slavik in October 2009 implicitly deemed the children safe in Slavik's presence because he removed a prior no-contact order. However, evidence showed that respondent advocated for removal of the no contact order because she had given birth to M. M. Slavik and wanted to begin a family life with Slavik. Respondent did so despite her fear of Slavik, who was a drug addict who physically and emotionally abused her and the children, and despite the horror of having found K. A. Williams seriously injured in 2008 and repeated warnings to keep her children away from him. Respondent's attempt to exonerate herself or place partial blame for her poor decision making on that judge only emphasized to the trial court that respondent remained unable to protect and care for her children.

The trial court tailored its best interests decision to each child's individual circumstance, finding it in K. A. Williams and M. M. Slavik's best interests to terminate respondent's parental rights. The court noted that K. A. Williams had extensive special needs because of her severe injuries, respondent could not be trusted to safeguard small children, the risk to K. A. Williams and M. M. Slavik outweighed their bond with respondent, the children had no father to provide placement or protection, and they needed permanency immediately. The trial court found it contrary to the other two children's best interests to terminate respondent's parental rights because they were older and were placed with a father who could protect them. Respondent argues that the trial court failed to consider the detrimental impact on siblings in terminating her parental rights to two of the four. K. A. Williams and M. M. Slavik were two years old and six months old, respectively, when they were separated from respondent and the other two children.

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best interests. *Trejo*, 462 Mich at 353.

K. A. Williams' significant head injury, M. M. Slavik's infancy, and their need for safety and permanency outweighed any potential detriment caused by separating the siblings.

The record clearly reflects that the trial court was aware of the various issues affecting the children's best interests, it adequately considered evidence both favorable and unfavorable to respondent, and applied the law correctly. The court did not err in ruling that the termination of respondent's parental rights is in K. A. Williams and M. M. Slavik's best interests.

Affirmed.

/s/ David H. Sawyer  
/s/ E. Thomas Fitzgerald  
/s/ Henry William Saad