

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of YOLONDA EVETTE JOHNSON,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VALYNIA MORRISON and JERRY JOHNSON,

Respondents-Appellants.

UNPUBLISHED

September 25, 1998

Nos. 192930; 200216

Wayne Juvenile Court

LC No. 92-304549

Before: Gribbs, P.J., and Sawyer and Doctoroff, JJ.

PER CURIAM.

Respondents appeal as of right from the juvenile court order terminating their parental rights to the minor child. MCL 712A.19b(3)(a)(ii), (b)(i), (b)(ii), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(a)(ii), (b)(i), (b)(ii), (c)(i), (g), and (j). We affirm.

In order to terminate parental rights, the court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Once a statutory ground for termination has been met by clear and convincing evidence, the court shall order termination of parental rights unless it finds that termination of parental rights is clearly not in the best interests of the child. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 473; 564 NW2d 156 (1997).

There are ample grounds for termination here. The child was removed from respondent Johnson's home after she reported that he had attempted sexual intercourse with her. Respondent Morrison, who does not live with respondent Johnson, consistently denied that the child had been abused, even when the child tried to tell her about the abuse. The child had a small laceration in the rectum, which is consistent with a claim of sexual abuse. During the approximately two years that the child was in foster care, respondent Morrison missed numerous scheduled visits and showed a poor bond with the child when she did visit. Although respondent Johnson visited regularly, he repeatedly and inappropriately kissed the child on the mouth and made her cry by implying that she could go home

if she told authorities that he had not abused her. The child clearly shows signs of the conflict in her life. She acted out sexually on several occasions in ways that are not typical of a child her age. The child told several people, including the juvenile court judge, that respondent Johnson sexually abused her and that she does not want to live with him. However, it was also evident that the child believed that she could go home to her family if she recanted her statement and, when asked the same questions repeatedly, she denied the abuse and became uncommunicative. At one point, the child indicated to a worker that she wanted the adults involved, the judge and a social worker, to make the decision about where she should live so that she would not have to choose. Neither parent would acknowledge that the child had been exposed to sexual abuse of some kind, and neither was willing to provide her with the services she needs to work through the issues of sexual abuse.

The juvenile court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. Further, respondents failed to show that termination of parental rights was not in the child's best interests. The juvenile court did not err in terminating respondents' parental rights.

In No. 200216, respondent Johnson also argues that the juvenile court deprived him of his liberty interest in his child without due process of law in violation of the Michigan and U.S. Constitutions because the court terminated his parental rights for failure to admit to a sexual offense that had been proven only by a preponderance of the evidence. Due process requires that the standard of proof in a termination proceeding be clear and convincing evidence. See *In re Snyder*, 223 Mich App 85, 89; 566 NW2d 18 (1997), citing *Santosky v Kramer*, 455 US 745; 102 S Ct 1388; 71 L Ed 2d 599 (1982). Contrary to respondent's assertion, the court's findings indicate that the court did not terminate his parental rights on the basis of his failure to admit to sexual abuse of the child. Rather, the court merely found that the child had been exposed to improper sexual activities and that respondent failed to acknowledge that the child needed help. Accordingly, this issue is without merit.

Affirmed.

/s/ Roman S. Gribbs

/s/ David H. Sawyer

/s/ Martin M. Doctoroff