

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of T.A., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

DOROTHY WILLEY,

Respondent - Appellant,

and

TIMOTHY MUTZ,

Respondent - Appellant.

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UNPUBLISHED

October 31, 2000

Nos. 226874, 227232

Dickinson Circuit Court

Family Division

LC No. 99-501-NA

Before: Gribbs, P.J., and Kelly and Hoekstra, JJ.

MEMORANDUM.

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

Respondent Timothy Mutz was convicted of criminal sexual conduct involving a six-year-old child after admitting to the police that “somehow [the child victim and respondent Mutz] started touching each other’s private parts. . . by private parts I mean my penis and her vagina.” The family court did not err in concluding that respondent Mutz was not a suitable custodian for the minor child and that, in light of his anticipated imprisonment, he could not provide proper care and custody for the child within a reasonable time.

Respondent Dorothy Willey married Brian Willey, a convicted child sex offender and, when told that the minor child could be returned if respondent stayed in Michigan and ceased contact with Brian

Willey, respondent moved to Wisconsin to be with him. Respondent Willey made it clear that she is unwilling to eliminate Brian Willey from her life and that his needs come before the child's needs. She was unable to recognize that her husband, a pedophile with anger management problems, presented a hazard to the minor child.

The family court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondents failed to show that termination of their parental rights was not in the best interest of the child. MCL 712A.19b(5); MSA 27.3178(598.10b)(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Affirmed.

/s/ Roman S. Gribbs

/s/ Michael J. Kelly

/s/ Joel P. Hoekstra