

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AAW, AAW, and JLWJ, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellees,

v

LISA WARDLOW,

Respondent-Appellant,

and

MOZELLE LAMONT JACKSON,

Respondent.

UNPUBLISHED

February 8, 2002

No. 234005

Wayne Circuit Court

Family Division

LC No. 94-317137

Before: White, P.J., Whitbeck, C.J., and Holbrook, Jr., J.

PER CURIAM.

Respondent-appellant Lisa Wardlow appeals as of right the family court's order terminating her parental rights to her three children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j). In the same proceeding, the family court terminated respondent Mozelle Jackson's parental rights to his three children pursuant to MCL 712A.19b(3)(a)(ii) for abandonment. He does not appeal. We affirm.

I. Basic Facts And Procedural History

According to the petition seeking termination, protective services workers with the Family Independence Agency (FIA) first became involved with the Jackson-Wardlow family in 1994 when Wardlow waited more than twenty-four hours to seek medical assistance for her oldest daughter, AW. The child had broken numerous bones in her body, fractured her spine, and required a body cast. At that time, the FIA referred Wardlow and Jackson to parenting classes and counseling. The petition does not suggest whether the parents actually attended classes and counseling, nor whether the FIA closed their case.

Wardlow gave birth to her son, JLWJ, in 1995 and to her youngest daughter, AAW, in 1997. The events that prompted the FIA to file the petition in this proceeding came to light in

October 1999. On October 23, 1999, AW began complaining of pain when urinating. Wardlow, suspecting that AW had a urinary tract infection, had the little girl drink cranberry juice. On October 26, 1999, Wardlow took AW to the emergency room at Children's Hospital because AW was still complaining of pain and Wardlow had discovered that AW was suffering from blisters. Three days later, Wardlow took AW to the Pediatric Clinic, at which time staff determined that she had a sexually transmitted disease. AW was admitted to the hospital and someone contacted the FIA.

When a protective services worker interviewed AW and Wardlow, AW allegedly denied being sexually abused and Wardlow denied knowing how her daughter contracted this disease. The petition reported that AW told the protective services worker that her mother had originally told her that the pain was because of lack of hygiene. At that time, AW denied that anyone had touched her inappropriately. Additionally, Wardlow purportedly indicated that Sylvester James, her boyfriend, watched her children between 5:30 a.m. and 8:00 a.m. on weekdays while she worked and that AW was never alone with any other men. Wardlow discounted the possibility that James had abused AW because she, Wardlow, had not contracted the same disease.

That same day, October 29, 1999, the FIA placed the children with their maternal grandmother. Subsequently, the FIA informed Wardlow that she could visit the children, but James was not to have any contact with them even though Wardlow was planning to marry him. Nevertheless, on November 24, 1999, Wardlow reportedly brought James to the home where her children were staying for a visit. James' ongoing access to AW prompted the FIA to remove the children from their grandmother's home the very next day.¹ According to the petition and later testimony at the termination hearing, at the end of November 1999, AW informed the protective services worker that "'Sylvester'" was the person who "'touched'" her. After James was arrested, Wardlow allegedly said that "she 'knows' he did it but she does not want him to remain in jail because she felt sorry for his son^[2] having to be without his father." As of January 3, 2000, Wardlow began driving to visitations with her children using James' vehicle even though AW reported that it was upsetting.

The family court held a pretrial hearing on January 19, 2000, at which time the court, without objection, ordered Wardlow to undergo individual counseling. Though the family court record does not include a copy of any agreement Wardlow had with the FIA, the termination petition alleged that Wardlow signed the parent-agency agreement on March 28, 2000. Substantively, the petition indicated, this agreement

included parenting classes, counseling, supervised visits with the children in the home where they are placed, contact[ing] the worker weekly, be[ing] available for monthly home calls, maintain[ing] employment, suitable housing separate from Mr. James, [obtaining] financial assistance for the children, and attendance at all court hearings.

¹ The children were returned to their maternal grandmother's home at an unspecified later date.

² It is not clear from the petition whether Wardlow was referring to JLWJ or James' other son, who was not involved in this protective proceeding.

Though the children had already been placed in foster care for more than five months, the family court finally held the adjudication on April 3, 2000. Wardlow admitted as true the allegation in the original petition that AW had contracted a sexually transmitted disease and that she did not know how this occurred until AW “identified” James. Wardlow also admitted that James was her “living together partner.” Other than clarifying that Jackson was the biological father for all three children, Wardlow said nothing more and no other witnesses testified. The family court found that Wardlow’s admissions were adequate support for its conclusion that the children came within its jurisdiction.

At the first dispositional review hearing on July 10, 2000, none of the parties called any witnesses to testify. The assistant attorney general representing the FIA asked the family court to continue its order placing the children in foster care on the basis of the case worker’s recommendation because

[t]he mother still needs to attend counseling regarding protecting children from abuse. There’s a report from the counselor regarding the mother’s minimal progress in counseling, and also the mother did attend parenting classes, but mother was minimally taking advantage of the group concept of the parenting classes. So the mother still needs to go quit a ways [sic] in her Treatment Plan before there can be any consideration of [the children’s] return to her care

The children’s attorney did not object to continuing their foster care placements.

However, Brigitte Officer, Wardlow’s attorney, made a lengthy argument asking the family court to return the children to Wardlow. According to Officer, James was no longer living with Wardlow. Though AW had stated that James had touched her, Officer said that he had actually been helping her change her clothing for school or doing something equally innocent. Further, though James had been arrested for criminal sexual conduct, he passed a “lie detector” test, which evidently convinced the prosecutor to drop the charges against him. Officer contended that, in the process of counseling, Wardlow and the counselor had discovered that Wardlow had some unresolved “issues.” From Officer’s perspective, having “issues” is just a part of “being a person alive on this planet,” not something that should keep Wardlow apart from her children. Additionally, Officer indicated, Wardlow had maintained employment, she had good attendance at parenting classes, she was attending school to obtain a master’s degree, and she was closing on a house purchase the next week.

The assistant attorney general responded to Officer’s arguments, stating that Wardlow’s counselor had said that Wardlow’s interest in obtaining a master’s degree was evidence of her unrealistic goals and that it was among a number of other inappropriate behaviors she exhibited at parenting classes. The assistant attorney general argued that the prosecutor’s decision not to pursue criminal charges against James had no bearing on the protective proceeding, especially in light of Wardlow’s admission to the protective services worker following his arrest that she knew that James had abused AW. In sum, the assistant attorney general claimed that Wardlow had made no progress in her parenting classes despite her attendance and that there was no evidence that she would be able to protect her children from future abuse.

At this point, Officer interjected, arguing that AW could have contracted the disease that prompted the proceedings in a manner other than sexual contact. With respect to Wardlow’s

statement that James had abused AW, Officer contended that AW had changed her story because of pressure from the prosecutor and that Wardlow simply believed her daughter. Officer argued that if the prosecutor's office lacked sufficient evidence of abuse to proceed, there was nothing from which AW had to be protected by being placed in foster care. The family court, however, noted that

[i]t's not unusual for the Court to have cases where there's evidence with young children of sexual conduct, and we never know who [perpetrated it], and the fact that it's not Mr. James or it appears that it's not Mr. James does not change the fact that something happened to this child.

One of the things I noticed that none of the attorneys have talked about is that the child's relationship with the mother still seems to be a bit strained and so something has happened. I don't know what, but the Court is charged to protect the child and children.

Officer replied to the family court's remarks by suggesting that the family court continue AW in foster care, but return JLWJ and AAW to Wardlow. The assistant attorney general, however, objected to this arrangement, stating that Wardlow lacked her own housing and had not severed her relationship with James. The children's attorney echoed his concerns, stating that he also opposed returning any of the children to Wardlow because she was "not taking the sexual abuse of [AW] very seriously at this particular point," and she needed to continue parenting classes and therapy before it might be safe for the children to return to their mother.

The family court agreed with the assistant attorney general and the children's attorney, ruling from the bench that the children would remain in foster care and that Wardlow and James would be referred to the Clinic for Child Study to determine Wardlow's ability to parent and whether it was safe to return the children to her. The family court indicated that it wanted additional information concerning the nature of Wardlow's relationship with James. Further, the family court agreed with Officer that visitation once a week was a minimum standard and that Wardlow could see the children more frequently if she desired. The family court declined to change the condition, which existed either in the parent-agency agreement or an earlier court order, that Wardlow maintain housing separate from James.

The parties reconvened for the second dispositional hearing on October 19, 2000. At this hearing, Charmaine Williams, a foster care worker with the FIA, testified briefly. She said that Wardlow had complied with therapy and counseling, but had not maintained regular contact with her. Though Williams expected weekly contact from Wardlow, who had her telephone number, Wardlow had not called since the previous July. Additionally, Williams was not sure whether Wardlow was employed because Wardlow had never produced her pay stubs as requested. Williams recommended terminating Wardlow's parental rights because she did not know where Wardlow was living, the children had been in foster care for about a year, and the children were safe in foster care. Williams also explained that Wardlow's therapist reported that Wardlow was not making progress in therapy, Wardlow lacked a bond with AW, and Wardlow did not understand the "impact of separating the children." Rather, Wardlow felt that AW was "okay" because she was "not comprehending the seriousness of what's happened t[o] her daughter." When asked to clarify whether that was her opinion or the therapist's opinion, Williams indicated that they both shared this opinion. Williams added that though the therapist did not

recommend terminating Wardlow's parental rights, she did recommend that the children stay with their grandmother. Williams added that she had spoken with Wardlow's mother, who reportedly said that she had no intention of allowing Wardlow to live with her and the children.

The assistant attorney general representing the FIA asked the family court to continue the children as temporary court wards in foster care, to continue the order regarding counseling for AW, and to order family counseling. He also asked the family court to order that Wardlow either bring gifts for all her children at a visit or none at all because it was hurtful for the child, evidently AW, who did not receive a gift. The children's attorney concurred in the children's continued placement with their grandmother. Officer did not disagree with maintaining the children's living arrangements with their grandmother, but also asked the family court to allow Wardlow to visit the children and to participate in therapy or counseling. Additionally, Officer indicated that Wardlow had brought clothing to her younger children at a time when they, and not AW, had already outgrown their clothes; this was not an issue of favoritism. Though there is no copy of the resulting order in the family court record, the family court's remarks at the hearing suggest that it did continue the children's foster care placement and all relevant counseling.

The FIA filed a petition seeking to terminate Wardlow's parental rights on December 18, 2000. The petition recounted the progress of the proceedings up to that point. With respect to parenting classes, Wardlow's instructor reported that Wardlow had completed her classes, but had exhibited bizarre behavior and failed to be concerned about AW suffering sexual abuse. Wardlow had made only "minimal progress" in her own counseling. Though Wardlow had visited her children regularly, she rarely interacted with AW, who typically clung to her grandmother, and favored the other children over AW by giving them gifts. She also reportedly said that she never had a bond with AW and that her mother, AW's grandmother, could keep AW if she wanted to do so.

Though the termination petition acknowledged that Wardlow may have been working, it alleged that she had not provided evidence of her employment, which was consistent with her failure to make contact with Williams in more than four months. Wardlow had not been "available for home calls, does not have suitable housing separate from Mr. James, and has not provided financial assistance for the children." Though given the opportunity to rent a suitable apartment, she failed to follow through with the rental and was "sleeping at the homes of various boyfriends," and continued to "reside" with James. Wardlow also allegedly "minimize[d]" AW's abuse, "admitting that she was also sexually abused by her father and she is 'OK.'" In this petition, the FIA asked the family court to terminate Wardlow's parental rights to all three children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j).

The parties returned to court on February 12, 2001, for a hearing on the petition seeking termination. Williams noted that Wardlow had signed a parent-agency agreement, but had complied with it only partially. As Williams had previously testified, she underscored that Wardlow had attended the various counseling, therapy, parenting classes, and visitation with the children that the family court had ordered. However, Williams again mentioned that Wardlow had failed to maintain suitable housing separate from James, to provide proof of employment, to provide financial assistance for her children's care, and to make contact with and receive calls from Williams.

Williams had last seen Wardlow with her children on Christmas Eve 2000, approximately seven weeks before the termination hearing. At that time, Williams said, the children did not seem to be in distress while with their mother. The children were doing well at school and none had any special needs.

Nevertheless, Williams maintained that Wardlow had not benefited from her parenting classes or therapy, especially in dealing with her own experiences as a victim of sexual abuse. Had Wardlow benefited from these services, Williams believed, she would have likely communicated with Williams to plan for her children's future. She also would have stopped minimizing the effect the abuse had on her children and would have started taking responsibility for what had happened. Nor would Wardlow have given up the opportunity to rent her mother's house, which was suitable for the children. Minimally, Wardlow would have explained why she turned down the rental. Williams used Wardlow's mother as an example of someone who had learned that her children had been sexually abused, but had taken steps to prevent such a situation from occurring again.

Williams also did not believe that Wardlow had ended her relationship with James. She noted that Wardlow was still driving James' vehicle to visits with the children, ostensibly because she did not have her own transportation. Wardlow had not given the FIA any address other than the original address of the home she shared with James, and at the last hearing Wardlow had indicated that James had her pets, giving her a reason to visit James. Nor was Williams certain whether Wardlow and James had married; after the children were removed from their grandmother's home briefly, Wardlow and James had left the state for a time. This was around the time they had planned to marry.

Williams again requested that the family court terminate Wardlow's parental rights because she did not

expect that Ms. Wardlow will – the therapy will help within a reasonable amount of time, and she's had an opportunity to secure housing for the children and has not, and the father has told me he's not interested in planning for the children at all. The kids have been in care and I think they need to have some closure to this.

Though there was no evidence that AAW or JLWJ had been abused, Williams added that she did not believe that Wardlow could protect any of her children from sexual or other abuse

because this is not the first time that [AW] has been hurt. [AW] was hurt when she was an infant in mom's care and removed, and now this happens again. She has two younger children that are younger than [AW], and I have no reason to believe that she could protect them.

Further, Wardlow had expressed no desire to keep AW.

For the first time, the family court also heard directly from Renee Dean, the instructor for Wardlow's parenting classes. Dean, a social worker, confirmed that Wardlow had completed parenting classes, but said that she still had "concerns about her mental status." When asked to explain this statement, Dean said:

For one, . . . she would just stare at me blankly like she was looking straight through me. She also didn't seem to have a problem with her daughter being assaulted, and she communicated this to the whole group, not just me. There was also a co-facilitator. She stated in a week's time she was going to get a Master's [degree], she was closing on a house. Just things like that seemed far fetched. She just seemed inappropriate. She busted in my office one day crying, stating, "I don't want to die, I don't want to die. I have high blood pressure." Just inappropriate behavior.

Dean clarified that Wardlow's goal of getting a master's degree "soon" was unrealistic because she lacked the requisite bachelor's degree and that, because of her demeanor, she thought Wardlow was lying when she said that she was closing on a house. Dean also noted that when she asked Wardlow about AW's abuse, Wardlow responded that "she didn't have a problem with it. 'I'm okay about it.'" In Dean's view, Wardlow just "brushed it [the sexual assault] off." Wardlow also refused to talk with others, explaining that she had a hard time communicating with groups, and did not talk with her family, even as a child. Dean saw this as guarded behavior, which was problematic for Wardlow, who, as a parent, would have to communicate with her children. Dean said that Wardlow also appeared to treat the fact that the children's were in foster care as if "it wasn't a big deal" because the children had been placed with Wardlow's mother and she could see them any time she chose to do so. Dean interpreted this as Wardlow's refusal to accept responsibility for her role in why the children were placed in foster care.

Jacqueline Davis, a social worker, worked as a therapist with AW and Wardlow separately. Davis described Wardlow as initially resistant to counseling, but noted that she had made progress and had been cooperative. Davis described Wardlow as "a concerned parent," but stated "she still doesn't understand each of her children's developmental needs." For instance, Wardlow did not understand the close relationship the three children had with each other and the bond they had developed with their grandmother and aunt while in foster care. In Davis' opinion, if one child were removed from the others, all three would experience a "negative impact." This was particularly troubling in light of Wardlow's lack of desire to keep AW, whom she said she had "never wanted," with whom she had never "bonded," and whom Wardlow had treated more like a sister than as her own child.

Though Davis had discussed AW's abuse with Wardlow, Wardlow had oscillated between believing that James had abused AW and that he was innocent. Davis viewed this as significant because Wardlow had not yet dealt with her own sexual abuse. Though Wardlow had denied being anything more than friends with James, her reaction when asked about the effect of their continued involvement on the children was simply to state that the children did not need to be around him if they so desired. Additionally, Wardlow had not accomplished all the goals of the counseling, including anger management and understanding her children's needs and their effect on her. Davis could not pin point how much more therapy Wardlow needed, but said that she needed additional "intensive therapy" because, if "her sexual abuse took place for ten years and we're just getting to the point now that she's opening up but still there's a lot of defense and denial there, so those issues take a long time." Davis saw a correlation between Wardlow's experience with sexual abuse and her inability to recognize and protect her children from abuse.

With regard to AW, Davis said that their therapy focused on alleviating AW's feelings of "guilt and responsibility" for what happened and helping AW reach out to others should she be

abused again. Though AW had initially denied being abused, Davis said that for the entire time she saw AW, AW had consistently identified James as her abuser. AW had also expressed that “[s]he cares about her mother. She loves her mother but she’s fearful of going with her mother if she stays with the same gentleman.” AW believed that Wardlow was still with this person, evidently James, because she was still driving his vehicle. When Davis had attempted to discuss James with AW, AW had “visibly” withdrawn into a “shell.” Though Davis had reported this development to Wardlow, Wardlow responded that “[s]he felt that [AW] would get over it.” Davis showed a picture to Wardlow that AW had drawn at Davis’ request, but without prompting with regard to subject matter. The picture portrayed James “behind what appear[ed] to be bars,” but Wardlow was not “phased [sic: fazed] one way or the other.” Additionally,

[i]nstead of addressing her anger as it comes on, she holds anger. She’s never been angry with the father, the father meaning her father, the perpetrator of her sexual abuse. She never expressed anger toward her children’s father. She never showed any anger toward the person that did anything to [AW] or whomever did it, whomever she felt did it, there was no anger expressed. That’s not natural.

When asked to explain why this was a concern, Davis explained that anger is a natural response when someone hurts your child. Davis thought it would be helpful to AW if she and Wardlow participated in family therapy so they could discuss what had happened to AW, which was something that mother and daughter had never discussed. In the end, Davis did not recommend that the children be returned to Wardlow that day “[b]ecause of the anger issues and the other issues of her sexual abuse to feel secure that she would be meeting their needs. I’m not saying never, but today I don’t think she’s ready for that responsibility.”

Carol Wardlow, Wardlow’s mother, told the family court that her home was large enough to accommodate her grandchildren and Wardlow in an emergency until Wardlow could find her own housing. Carol Wardlow’s preference would be to offer her daughter financial assistance rather than having her move into her home. Carol Wardlow said that the children were doing well and that none of them were having problems at school or had any special needs. She reported that AW said that she loves Wardlow. AAW and JLWJ had also said on numerous occasions that they love Wardlow, but they wanted to stay with her, their grandmother. Like Davis, Carol Wardlow commented that the children are “very close” to each other.

Though Carol Wardlow was able to add that she knew that Wardlow was still working as a bus driver, a job she had held for three or four years, she did not know where her daughter was living. Carol Wardlow clarified that, when she offered to rent her home for \$500 a month to her daughter, Wardlow complained that the rent was too expensive and gave no other explanation for her decision to back out of the rental. Carol Wardlow believed that she could have afforded the rent because Wardlow had rented a home for more than that in the past and, because she did not have the children, she could have worked an extra part-time job. Carol Wardlow was also willing to help her daughter with the rent and had urged her daughter to get her own car because she was still using James’ vehicle, but Wardlow had not done so. Wardlow had, however, improved in the way she gave all her children gifts. With respect to Wardlow’s inclination to leave AW with her own mother, Carol Wardlow said that Wardlow explained that she had never developed a bond with AW as she had with the other children.

At the end of the hearing, the assistant attorney general asked the family court to terminate Wardlow's parental rights and the children's attorney concurred in the request. Officer argued that termination was ultimately inappropriate, and certainly premature, because Wardlow had complied with what she had been asked to do. Wardlow also had expressed concern for her children by taking AW to the hospital and keeping James away from AW after she learned that he was the alleged perpetrator. Additionally, the family never had a chance to participate in therapy with each other. Officer emphasized that it was unreasonable to expect that Wardlow would be able to resolve all the problems stemming from her own sexual abuse as a child in such a short period. Officer advocated keeping the children temporary court wards and allowing all involved to receive more therapy.

The family court issued a written opinion and order, which it also read from the bench. The family court gave a brief outline of the events leading to the proceeding, noting that Davis and Dean revealed "serious question[s] about mother's capacity to safely parent these children." The family court found that Wardlow had acted inappropriately in her parenting classes, had been dismissive of what had happened to AW, did not want AW, did not understand her children's needs, and needed more therapy for her own benefit. Additionally, the family court noted that it was not clear where Wardlow was living. The family court found sufficiently clear and convincing evidence to terminate Wardlow's parental rights under all four subsections of MCL 712A.19b(3) that the FIA cited in its petition, although the family court did not identify which pieces of evidence specifically supported each ground for termination. The family court also found, without additional comment, "that termination of parental rights are within the best interests of the children pursuant to MCL 712A.19b(5)."

On appeal, Wardlow does not challenge the family court's findings with respect to the statutory grounds used to terminate her parental rights. Rather, she solely challenges the family court's finding that termination was not clearly contrary to her children's best interests.

II. Standard Of Review

We review the family court's finding that terminating Wardlow's parental rights was in the children's best interests to determine whether the family court clearly erred.³

III. Best Interests

MCL 712A.19b(5) provides:

If the court finds that there are grounds for termination of parental rights, the court *shall order termination* of parental rights and order that additional efforts for reunification of the child with the parent not be made, *unless the court finds that termination of parental rights to the child is clearly not in the child's best interests.*^[4]

³ MCR 5.974(I).

⁴ Emphasis added.

In *In re Trejo*,⁵ the Michigan Supreme Court clarified how this best interest factor operates. Chief Justice Weaver, writing for the majority, explained:

Subsection 19b(5) attempts to strike the difficult balance between the policy favoring the preservation of the family unit and that of protecting a child's right and need for security and permanency. While the operation of subsection 19b(5) imbues the court with some discretion, that discretion is significantly diminished from the prior law, which permitted the court to not terminate, even where at least one ground for termination was established. Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests.^[6]

In so ruling, the Supreme Court rejected a line of cases holding that once the petitioner proved one or more statutory grounds for termination by clear and convincing evidence, there was a mandatory presumption in favor of termination unless the respondent-parent provided evidence that termination was clearly not in the child's best interests.⁷ Interpreted properly, subsection 19b(5)

attempts to strike the difficult balance between the policy favoring the preservation of the family unit and that of protecting a child's right and need for security and permanency. While the operation of subsection 19b(5) imbues the court with some discretion, that discretion is significantly diminished from the prior law, which permitted the court to not terminate, even where at least one ground for termination was established. Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests.^[8]

Overall, this best interests determination “actually provides an opportunity to avoid termination, despite the establishment of one or more grounds for termination.”⁹

Wardlow's argument truly consists of a single statement that “[i]t was against the best interest[s of the children] to terminate Appellant Lisa Wardlow's parental rights in the absence of family therapy.” The remaining portion of Wardlow's argument focuses on Carol Wardlow's offer to assist her, her compliance with the parent-agency agreement, her natural reluctance to discuss her own sexual abuse, her willingness to engage in therapy and counseling, as well as her improvement while in therapy and counseling. The likely inference that the Court is intended to draw from this discussion is that Wardlow was highly amenable to therapy or counseling and

⁵ *In re Trejo*, 462 Mich 341; 612 NW2d 407 (2000).

⁶ *Id.* at 354.

⁷ *Id.* at 353-354; see *id.* at 353, n 10.

⁸ *Id.* at 354.

⁹ *Id.* at 356.

likely to benefit from it, which made termination before she was allowed to participate in family therapy or counseling inappropriate.

In and of itself, this argument is quite telling. Though there can be no doubt that the best interests determination exclusively considers the children's best interests, the children do not factor into this argument whatsoever. Wardlow has never posited any reason why terminating her parental rights would have any negative effects on her children, much less that any such negative effects would be "clearly" contrary to their best interests. While family therapy or counseling may be beneficial to Wardlow, we have no reason to believe from the record itself that this sort of treatment would be effective for Wardlow in a reasonable time considering the children's ages to allow her to parent the children safely. Whatever the speed with which Wardlow might achieve progress in her personal growth, the children had been in foster care for more than a year when the family court terminated her parental rights. They had an immediate need to heal from their experience and mature without the threat of future abuse in a safe environment that Wardlow could not offer at that time, no matter her future potential.

Nor is it possible to reconcile this best interests argument with the evidence on the record. Wardlow now asks this Court to reverse the family court's order terminating her parental rights to all three children. However, more than one witness testified that Wardlow did not want AW and felt no bond with her. Indeed, she treated AW more like a sister than the young daughter that she is. At the same time, there was extensive testimony that the children, who had a very close relationship with each other, would be harmed if separated from one another and that they wished to remain with their grandmother. Granting Wardlow the relief that she requests in part or in whole would be untenable in light of this evidence. Allowing the possibility that, even with additional counseling and therapy, AW might be returned to a mother who shows no obvious affection for her, much less appropriate parental concern, solely so that Wardlow might be reunited with the two children she desires to keep borders on emotional cruelty. AW's well-being and need for a nurturing home cannot be sacrificed simply to satisfy Wardlow's desire to raise the other children. Allowing for the possibility that, even with additional counseling and therapy, only two children might be returned to Wardlow while AW stays with her grandmother is equally unsatisfactory in light of the effects that breaking the sibling ties would have on all three children.

Furthermore, we cannot ignore the evidence of ongoing abuse that AW suffered while in Wardlow's care. Nor can we ignore Wardlow's ongoing relationship, whatever its nature, with the man AW said abused her and Wardlow's denial about the consequence of abuse, whether to herself or her child. The implication of future abuse to AW, and the possibility of abuse to the other children, is clear from the evidence in the record. Having reviewed the record as a whole, we cannot conclude that the family court erred when it determined that terminating Wardlow's parental rights was in the children's best interests.

Affirmed.

/s/ Helene N. White
/s/ William C. Whitbeck
/s/ Donald E. Holbrook, Jr.