

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JA RI BRADLEY and JUSTICE
BRADLEY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RITA KING,

Respondent-Appellant,

and

JAMES EARL BRADLEY,

Respondent.

UNPUBLISHED
February 26, 2009

No. 286621
Wayne Circuit Court
Family Division
LC No. 06-451709

Before: Donofrio, P.J., and K. F. Kelly and Beckering, JJ.

PER CURIAM.

Respondent Rita King appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii) (failure to prevent sexual abuse of a sibling), (c)(i) (condition that led to adjudication continued), (g) (failure to provide proper care and custody) and (j) (harmed if returned to the parent). Because the trial court did not clearly err in concluding that the allegations of abuse were proved by clear and convincing evidence and that termination of parental rights was not against the best interests of the children, we affirm.

The trial court did not clearly err when it concluded that there was clear and convincing evidence to establish the statutory grounds for termination of respondent's parental rights. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent has given birth to eight children. Only her parental rights to her two youngest daughters are at issue in this appeal. However, events involving her oldest daughter, Kinita, brought all of the children into care. The evidence conclusively established that respondent's husband, James Bradley, Sr., the child's stepfather, sexually abused Kinita. As a result of this abuse, Kinita gave birth to two children, approximately 11 months apart, before she was 16 years old. Further, there was evidence that respondent had the opportunity to prevent the abuse but failed to do so. The trial

court rejected respondent's contention that she was unaware of the abuse because there was persuasive evidence to the contrary.

Respondent was provided with services to assist her in her reunification efforts. Despite her participation in these services, respondent continued to lack insight into the needs of her children. At the time of the children's removal, Bradley fled the house and was a fugitive for 18 months. When he was finally apprehended, Bradley was found in respondent's home. Further, the evidence confirmed that, while Bradley was on the run, he and respondent maintained a relationship despite respondent being ordered by the court to have no contact with her daughter's abuser. It is unfathomable that respondent would continue a relationship with somebody who harmed her child in the manner described. Consequently, it was apparent that respondent, at the time of termination, still could not protect her children from risk of harm. Further, there was no indication that respondent would gain the insight necessary to properly and safely parent her children within a reasonable time.

Perhaps more troubling, and further evidence that respondent lacked insight into the needs of her children, was respondent's response to her daughter's abuse. At no time did respondent express any empathy or sympathy toward her victimized daughter. Respondent continued to blame Kinita, a victim, for the sexual abuse by an adult. Indeed, respondent never really understood that her daughter was molested. She continued to perceive the sexual abuse as a consensual act, and she continually expressed her sense that Kinita had betrayed her. Respondent's interpretation of the events illustrated that she did not truly understand the capacities of a child and that child's need to be protected from manipulative adults. Respondent's conduct and mindset confirm that she was unable to appreciate risks of harm to her children.

Respondent argues that the risk of harm to her children has been eliminated because Bradley was ultimately sentenced to a term of 17 to 40 years' imprisonment. This simplistic analysis completely ignores that respondent clearly lacks the ability to perceive potential risks to her children. Respondent has a history of engaging in relationships with men of questionable character. Consequently, it is likely that she would, in keeping with past practices, bring men into the home that present a risk of harm to her daughters if they were returned. Because she is not capable of appreciating these risks, she would likely fail to protect them from harm if they were placed in her care. Based on the foregoing, we conclude that the trial court did not clearly err when it terminated respondent's parental rights pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j).

Finally, there was no evidence that, despite the grounds for termination, termination of parental rights would not be in the children's best interests. Indeed, the evidence clearly demonstrated that respondent's youngest daughters would be at risk if returned to her care. Despite the existence of a bond between respondent and her children, it was clear that respondent was not committed to the children or willing to act in their best interests. Respondent's love for her children apparently was not greater than her need to harbor her daughter's sexual abuser. Justice and Ja Ri were both under the age of eight. At this age, they are still young enough to

benefit from a permanent, safe, and stable home that would foster their continued growth and development.

Affirmed.

/s/ Pat M. Donofrio
/s/ Kirsten Frank Kelly
/s/ Jane M. Beckering