

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of A.R. and K.R., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JENNIFER KUBANY,

Respondent-Appellant,

and

TIMOTHY ROOD.

Respondent.

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UNPUBLISHED

March 20, 2003

No. 242952

Allegan Circuit Court

Family Division

LC No. 01-028389-NA

Before: Schuette, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), (g) and (j). We affirm.

Respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We disagree. We review the trial court's findings of fact for clear error. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). Both children described incidents of sexual abuse committed by respondent and two of her boyfriends. In addition to this testimony, the evidence clearly and convincingly showed that the children had been acting out sexually and had other behavioral problems. Respondent never wavered from her position that nothing had happened to the children, she never submitted to a substance abuse evaluation as directed, and she continued to live with one of the alleged abusers, posing a physical and emotional risk to the children for the foreseeable future. The court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. The children were afraid of respondent, did not want to see her or talk about her, and did not think of her as their mother. Additionally, their sexual acting out and other behavioral problems improved after they stopped having contact with her. The trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Bill Schuette

/s/ David H. Sawyer

/s/ Kurtis T. Wilder