

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMBER LOCKE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KATHLEEN LOCKE,

Respondent-Appellant.

UNPUBLISHED

April 28, 2005

No. 258651

Ingham Circuit Court

Family Division

LC No. 03-001481-NA

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

PER CURIAM.

Respondent appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW23 161 (1989).

The minor child was taken into care because respondent's boyfriend had sexually abused the minor child, respondent continued contact with the boyfriend and allowed him to have contact with the minor child, respondent was in denial about the abuse, and respondent had issues with substance abuse. The court ordered respondent to attend counseling, submit to drug testing, and visit with the minor child. The court also ordered that respondent have no contact with the man who had been convicted of sexual abuse with respect to the minor child.

The evidence was clear and convincing that respondent knew about the abuse of her child. Respondent was aware that her boyfriend was a convicted sex offender but took the position that he had been framed. The minor child told respondent's mother of the sexual abuse and respondent's mother informed respondent that it was happening to which respondent replied that she would watch more carefully. The minor child told interviewers at CARE House that respondent walked into the room when respondent's boyfriend was sexually abusing her and told

them to stop. Even after respondent's boyfriend failed a polygraph test and even after he was convicted, not only of sexually abusing the minor child but another victim as well, respondent was in denial regarding the occurrence of the sexual abuse.

The evidence was also clear and convincing that there was a reasonable likelihood that the minor child would suffer sexual abuse in the foreseeable future if placed in the custody of respondent. After several months of therapy and visiting with the minor child on a weekly basis, respondent visited the man who was convicted of sexually abusing the minor child in prison twenty-one different times. Respondent would visit with the convicted sex abuser within days of visiting with the minor child and professing to be doing everything she could to get the minor child back into her care. Respondent's actions showed that she cared more about the sexual offender than she did about the minor child. In addition, respondent continued to abuse drugs, testing positive for marijuana many times and also failing to submit to the required testing on many occasions. Respondent had not made any progress on the goals of her parent agency agreement.

Respondent's argument that she was not given appropriate services because she should have been referred to a psychiatrist is without merit. The therapist who worked with respondent testified that, when he initially started seeing respondent, he recommended that she see a psychiatrist but she did not want to go. He later felt that respondent was doing better and did not need a psychiatrist. Respondent, however, failed to tell her therapist that she was visiting the man who sexually abused the minor child in prison. Respondent was not honest with the therapist that she was working with and did not attempt to benefit from the experience. Respondent cannot now claim that she did not get the services that she needed.

Respondent also argues that the court did not give sufficient weight to the close bond that existed between respondent and the minor child and should have found that termination of respondent's parental rights was not in the best interests of the minor child. The court did not clearly err when it reached its conclusion with regard to MCL 712A.19b(5). The trial court looked at the bond that existed between respondent and the minor child very carefully and found that the bond was not a positive one. The court stated that the minor child loves and misses respondent but does not feel safe with her. The court stated that was understandable because respondent's love was conditioned on the minor child calling her mom even when respondent was not there for her, keeping quiet about her sexual abuse, feeling sorry and sad for the man who molested her, and submitting to the man in her life and keeping quiet about it. The court found that respondent was more in love with her boyfriend, a known sex offender who molested the minor child. The court went even further and looked at the actions of respondent and stated that a loving parent would not have had a relationship with a known sex offender and brought him into the home, would have listened to the minor child's plea for help, would have watched carefully and reported the abuse to the authorities, would have protected her daughter and supported her daughter in the aftermath, and would have told her daughter that she did nothing wrong and that the man who sexually molested her was dangerous. The court was shocked by respondent being able to look into the minor child's eyes, play games with her, and whisper in her ear at visitation, and then go to be with the man who abused the minor child the next day. The trial court had ample evidence to conclude that termination of respondent's parental rights was in the minor child's best interests and did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder