

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALONDRA CALDERON, LUIS CALDERON, and JUAN CALDERON, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
April 6, 2006

Petitioner-Appellee,

v

ESTELLA CALDERON,

Respondent-Appellant.

No. 265247
Wayne Circuit Court
Family Division
LC No. 04-436732-NA

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

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

The circuit 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 NW2d 161 (1989). Respondent failed to protect her minor daughter from the sexual abuse committed by her father and one of her brothers and failed to protect all the children from the violence of their father. Respondent denied knowing about the sexual abuse in her testimony although she admitted being told by neighbors that her children engaged in inappropriate sexual play, the daughter stated that she had told her mother, and the son who perpetrated abuse on his sister also stated that his mother knew. Respondent's actions and inactions demonstrated that there was a reasonable likelihood that the children would suffer further abuse if returned to her care and that she would not be able to provide proper care and custody for her children within a reasonable time considering the ages of the children. In addition, there was a reasonable likelihood that, because of respondent's conduct and capacity, the children would suffer harm if returned to her care.

Furthermore, the evidence did not establish that the children's best interests precluded termination of respondent's parental rights. MCL 712A.19b(5). Therefore, we find that the

circuit court did not err in terminating respondent's parental rights to the minor children.

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio