

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MERCEDES LEE MAULDIN
and MONTANA RAY BARTZ, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DONNA BARTZ-BOZIGIAN, a/k/a DONNA
BOZIGIAN and DONNA BARTZ,

Respondent-Appellant.

UNPUBLISHED
January 29, 2008

No. 277349
Wayne Circuit Court
Family Division
LC No. 04-430949-NA

Before: Bandstra, P.J., and Donofrio and Servitto, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(g) 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 Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children came into care after ten-month-old Montana presented to the emergency room with a subdural hematoma, i.e., bleeding within the skull, retinal hemorrhage, multiple bruising, and swelling to his penis. The treating physician, a member of the Child Protection Team at the University of Michigan Hospital, concluded that the injuries were consistent with Shaken Baby Syndrome and inflicted trauma. At the time these injuries were sustained, the child had been left in the care of respondent's boyfriend. Shortly after the children were adjudicated temporary court wards, respondent married this man. While respondent's children were in care, respondent's daughter revealed that her own father had sexually abused her. Petitioner also learned that respondent's father, whom the children had contact with, had sexually abused his own daughters decades earlier. In light of these circumstances, respondent was provided a multitude of services, and during visitation the children were to have no contact with respondent's husband or father.

Respondent denied for months that her son had been abused. She refused to believe that her boyfriend, then husband, could have abused her son. Respondent waited two years before she took any measures to remove the suspected abuser from her life. With respect to the

children's grandfather, respondent continued to claim that he posed no risk to the children. Respondent violated orders that the children were to have no contact with their grandfather and concealed the grandfather's presence during an unannounced home visit. Based upon these facts, the trial court did not clearly err when it found grounds for termination pursuant to MCL 712A.19b(3)(g) and (j).

With respect to the best interests analysis, the court properly concluded that there existed no evidence that termination would not be in the children's best interests. MCL 712A.19b(5). The children were thriving in their current placements. Although Mercedes voiced a desire for reunification, the court correctly noted that respondent could not protect her child and the uncertainty of her future was causing Mercedes much anxiety.

We affirm.

/s/ Richard A. Bandstra

/s/ Pat M. Donofrio

/s/ Deborah A. Servitto