

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARIA ELENA REYES, JOSE
MANUEL M. REYES, MAGDAELENA
MARISOL REYES, and ALFRED ANGEL
MENCHACA MENDOZA, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARTA REYES,

Respondent-Appellant,

and

LUIS REYES,

Respondent.

UNPUBLISHED
August 31, 2004

No. 253664
Saginaw Circuit Court
Family Division
LC No. 91-021500

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parent rights to the minor children under MCL 712A.19b(3)(b)(ii), and (j). We affirm.

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 NW2d 161 (1989). Respondent was unable or unwilling to protect her children from her boyfriend's physical and sexual abuse. The evidence established that respondent had been offered numerous services from petitioner since 1991, including therapy at Community Mental Health, Families First, parenting classes, a pilot program designed for families of domestic abuse, and individual counseling to work on her abusive relationships, co-dependency, parenting, and post-traumatic stress. Despite the services offered and taken advantage of by respondent, her boyfriend sexually abused both her daughters. The evidence indicated that respondent was aware of at least some of this abuse.

Further, the evidence failed to show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Despite the strong bond between the children and their mother, respondent offered no proof that she was able to protect her children from abuse. In addition, her youngest daughter was in a psychiatric hospital for a failed suicide attempt and long-term care was being contemplated. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly