

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ELIZABETH J. SAWYER and
THOMAS B. SAWYER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

CONNIE L. SAWYER,

Respondent-Appellant.

UNPUBLISHED

August 21, 2008

No. 284195

Grand Traverse Circuit Court

Family Division

LC No. 06-001864-NA

Before: Cavanagh, P.J., and Jansen and Kelly, JJ.

PER CURIAM.

Respondent appeals as of right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent and her ex-husband had four children together. Respondent moved to Hawaii in 1999 and did not return to Michigan until 2004. After returning to the Detroit area, she had only sporadic visitation with the children, who resided in northern Michigan with their father and stepmother. The mother eventually obtained custody of the couple's son Andrew. In 2006, their oldest child, Kellie, alleged that she was sexually abused while she was living with her father. An investigation substantiated that claim and also revealed that the father had been sexually abusing Elizabeth. He was removed from the home, criminally prosecuted and his parental rights were terminated. In the meantime, the two youngest children, Elizabeth and Thomas, continued to live with their stepmother.

Respondent argues that her parental rights were terminated simply because the children preferred to stay with their stepmother. She claims that too much weight was given to their preferences and that there was no statutory basis for termination. We disagree. The trial court did not 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). The court also did not err in its determination that termination of respondent's parental rights was not clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The caseworker testified regarding respondent's noncompliance with the parent-agency agreement. Respondent failed to obtain suitable and independent housing, failed to properly verify her employment status, and failed to attend individual counseling. More importantly, she failed to maintain contact with the children, attending only five of 12 scheduled visits and never taking advantage of the fact that she could have had weekly visitation. Respondent claimed that money and transportation were issues that kept her from traveling to northern Michigan; however, workers offered respondent gas money and even offered to have her relocated to the area, but she refused.

Additionally, the evidence clearly demonstrated that the trial court's decision was not simply based on the preferences of the two minor children but was based on the opinions of the experts who testified regarding respondent's inability to care for the children. The children could not trust their mother, who had already left them once, and they had no relationship to speak of with her. The children had been through such trauma at the loss of their father and his victimization of Elizabeth that they needed to be able to trust in their caregiver. Respondent's own psychological problems, which remained totally unaddressed in the year the children were temporary wards, would not allow her to identify with or meet their special needs. The children were entitled to permanence and stability, which respondent could not provide.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly