

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DEVIN DOUGLAS HOYT,  
TYLER WAYNE HOYT, and ABIGAIL  
ANTIONETTE HOYT, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DANIELLE ANTIONETTE HOYT,

Respondent-Appellant,

and

DOUGLAS WAYNE HOYT,

Respondent.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DOUGLAS WAYNE HOYT,

Respondent-Appellant,

and

DANIELLE ANTIONETTE HOYT,

Respondent.

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Before: Bandstra, P.J., and Zahra and Owens, JJ.

UNPUBLISHED  
September 13, 2007

No. 276729  
Oakland Circuit Court  
Family Division  
LC No. 06-721421-NA

No. 277267  
Oakland Circuit Court  
Family Division  
LC No. 06-721421-NA

PER CURIAM.

In separate appeals, respondents Douglas and Danielle Hoyt appeal as of right the final order of the Oakland Circuit Court, Family Division, terminating their parental rights to their children. We affirm.

We review for clear error a trial court's findings regarding an order terminating parental rights. MCR 3.977(J). We also review for clear error "both the court's decision that a ground for termination has been proven by clear and convincing evidence and, where appropriate, the court's decision regarding the child's best interest." *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). "A trial court's decision to terminate parental rights is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake had been made." *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005).

Respondents challenge the trial court's order terminating their parental rights to their children pursuant to MCL 712A.19b(3)(g) and (j). However, termination of respondents' parental rights under each ground was not clearly erroneous.

First, the trial court did not err when it terminated respondents' parental rights under MCL 712A.19b(3)(g). This evidence establishes that respondents view children as sexual objects and do not recognize the egregiousness of child sexual abuse. Not only did respondents sexually abuse a prepubescent boy, but the evidence also indicates that respondent father viewed child pornography and might have been abusing his oldest son. Although there are fewer indications that respondent mother actively engaged in abuse of her son, she was unwilling to proactively investigate the source and substance of a pornographic image that she found on the family computer or act on her suspicions that respondent father was abusing their oldest son. In fact, she actively hindered the investigation by "losing" the printed copy of the pornographic image and claiming that the computer that police found in her home did not contain the image in question. Further, she also did not exhibit a level of distress typically found in a mother who suspects that her children have been sexually abused. Respondent father's purported actions toward his son, and respondent mother's apparent inaction, indicate that they failed to provide proper care and custody of their children. Respondents' unwillingness to change supports the trial court's finding that there is no reasonable expectation that they will be able to provide proper care and custody for their children within a reasonable time.

The trial court also did not clearly err when it terminated respondents' parental rights under MCL 712A.19b(3)(j). Again, evidence presented at the adjudication indicates that respondents repeatedly sexually abused a prepubescent boy in their home. Although affirmative evidence that respondents' oldest son was sexually abused was not presented at either the adjudication or the best interest hearing, the child was extremely quiet and withdrawn, yet became agitated when asked about his father or about body parts. Respondent mother told both her son's therapist and Child Protective Services workers that she found child pornography on her family's computer and that her son told her that respondent father spanked him and "did something else" to him. When respondents' son was asked what his father did on the family computer, the child denied having any knowledge of his father's computer activities, but he made this statement in a manner that made the forensic interviewer questioning him believe that

he was withholding information. Considering this evidence, there is a reasonable likelihood that respondents engaged in inappropriate sexual activities with children, that these activities would continue, and that the children would be in danger of experiencing sexual abuse if they were returned to their parents' custody.

Finally, the evidence presented to the court at the termination hearing does not show that termination of respondents' parental rights is clearly contrary to the children's best interests. Admittedly, the three professionals who testified at the best interest hearing declined to give their opinions regarding whether termination was in the children's best interests and whether it was appropriate at the time. However, MCL 712A.19b(5) does not require an affirmative finding to be made in order for termination to occur. Instead, once a ground for termination under MCL 712A.19b(3) has been established, termination is required unless it is clearly not in the children's best interests.

The evidence presented does not support a finding that termination would clearly not be in the children's best interests. The children have not exhibited strong attachments to their parents. Respondents' two youngest children are very young and have adjusted well to their foster home. Respondents' oldest son also appears to have adjusted well to his foster home and shows little desire to reunite with his parents. In fact, the child's agitation at the mention of his father leads to the conclusion that returning to his father's custody would cause him severe distress. Although respondent mother progressed in some areas of her life (notably by finding and succeeding at a job and by initiating divorce proceedings against respondent father), she continued to remain in contact with respondent father, exhibit bad judgment, and have difficulty understanding and acknowledging the extent to which she failed her children. Respondent father refused to even acknowledge wrongdoing. Considering the children's contentment with their foster homes and respondents' unwillingness to accept responsibility for the circumstances that led to termination, the trial court did not err when it determined that termination was not clearly contrary to the children's best interests.

Affirmed.

/s/ Richard A. Bandstra  
/s/ Brian K. Zahra  
/s/ Donald S. Owens