

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JOEL DAVON MEYER, DAVID  
EUGENE ALLEN MEYER, CECELIA ANISSA  
MARIE MEYER and JOSE LUISE MIGUEL  
ANGELO COMPOS, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

GERRI MARIE MEYER,

Respondent-Appellant,

and

BOBBY MICHAEL CANTINERI and JOSE  
LUISE COMPOS,

Respondents.

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Before: Kelly, P.J., and Meter and Gleicher, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her 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 of respondent's parental rights were established by clear and convincing evidence. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent admitted that she left the children home alone on at least one occasion. And respondent's youngest daughter told a forensic examiner that respondent's boyfriend sexually molested her in her bedroom. The daughter stated that this happened more than once between the time she was four and five years old. Respondent was informed by more than one of her children about the sexual abuse. However, despite having prior experience with a boyfriend molesting one of her other children, and despite knowing the procedure to follow to ensure her children's protection, she did not report her boyfriend to the police. Instead, she put a lock on

her daughter's bedroom door and told her children to report any abuse to her. Additionally, although respondent obtained a personal protection order (PPO) against her boyfriend, she continued to let him into her house, let him spend the night, and let him accompany her family to the beach.

The evidence also demonstrates that respondent was aware that her parental rights could be terminated if the sexual abuse became known. And although she ultimately did obtain a PPO against her boyfriend, she admitted that she continued to allow him in her life. Furthermore, respondent testified that she only "somewhat" believed that the abuse occurred. She testified that her children were lying and had turned on her. There was also evidence that she stated she would make one of her older daughters "pay" for disclosing the sexual abuse to an outside party. Notably respondent's behavior, which is clearly not in her children's best interests, occurred after many years of involvement with the Department of Human Services, multiple parenting classes and therapy sessions, and years of in-home services. This evidence clearly and convincingly demonstrates that respondent who had the opportunity to prevent the abuse of her child failed to do so and that there is a reasonable likelihood that her children would suffer abuse if returned to her home. The trial court did not err in basing termination on MCL 712A.19b(3)(b)(ii) and (j).

Nor did the trial court clearly err in not finding that termination was clearly not in the children's best interests. *In re Trejo, supra* at 356-357, MCL 712A.19b(5). Despite evidence that respondent attended to the physical and educational needs of her children, that she had stable employment, and that she had affection for her children, there is more compelling evidence that, after approximately 20 years of involvement by the Department of Human Services, respondent not only failed to protect her child from a sexual predator, but tried to hide the abuse and accused her children of lying and turning against her when they exposed the abuse. Respondent has failed, after years of parenting classes, therapy and other services, to provide the most basic protection to her children and to demonstrate the most essential parenting skills. The trial court did not clearly err in not finding that termination was clearly not in the children's best interests.

Affirmed.

/s/ Kirsten Frank Kelly  
/s/ Patrick M. Meter  
/s/ Elizabeth L. Gleicher