STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SEAN IAN WIECZOREK, AMBER MARIE WIECZOREK, and JADE DANIEL WIECZOREK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEANNE McVEY,

Respondent-Appellant,

and

TIMOTHY R. WIECZOREK, SR.,

Respondent.

UNPUBLISHED
February 10, 2004

No. 246167
Macomb Circuit Court
Family Division
LC No. 00-048740

In the Matter of SEAN IAN WIECZOREK, AMBER MARIE WIECZOREK, and JADE DANIEL WIECZOREK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TIMOTHY RAY WIECZOREK, SR.,

Respondent-Appellant,

and

LEANNE MARIE McVEY,

Respondent.

No. 247883
Macomb Circuit Court
Family Division
LC No. 00-048740

Before: Cooper, P.J., and O'Connell and Fort Hood, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(b)(i), (c)(i), (g), (j), and (k)(ii). We affirm.

In Docket No. 246167, respondent-mother argues that the trial court erred in admitting the children's hearsay statements under MCR 5.972(C)(2), now MCR 3.972(C)(2). We disagree. We review a trial court's decision to admit or exclude evidence for an abuse of discretion. *Ellsworth v Hotel Corp of America*, 236 Mich App 185, 188; 600 NW2d 129 (1999).

The evidence that the statements were initiated by the children, rather than the therapists, and that the therapists were careful not to ask leading or suggestive questions demonstrated that the circumstances surrounding the giving of the statements provided adequate indicia of reliability. MCR 5.972(C)(2). In addition, the evidence that both Sean and Amber made similar statements to their therapists describing the abuse, that the children were acting out sexually, and that they had sexual knowledge not expected of children their ages, tended to corroborate the statements made to the therapists. Therefore, we do not believe the trial court abused its discretion by admitting the children's hearsay statements into evidence under MCR 5.972(C)(2).

In Docket No. 247883, contrary to respondent-father's arguments, we conclude that the trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence that the children were sexually abused, considered in conjunction with the evidence that respondent-father failed to attend sexual abuse counseling, was sufficient to satisfy the statutory grounds for termination. Further, because at least one ground for termination was established, the trial court was required to terminate respondent-father's parental rights unless the trial court found that termination was not in the children's best interest. The trial court's finding regarding the children's best interests was not clearly erroneous. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Therefore, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Jessica R. Cooper
/s/ Peter D. O'Connell
/s/ Karen M. Fort Hood