

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

January 20, 2011

In the Matter of ROWLEY, Minors.

No. 297512

Wayne Circuit Court

Family Division

LC No. 09-490450

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Before: O'CONNELL, P.J., and SAAD and BECKERING, JJ.

MEMORANDUM.

Respondent K. Rowley appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (g), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Respondent, a convicted sex offender with a history of childhood sexual abuse, pleaded no contest to allegations that he engaged in sexual intercourse with one of the children. Respondent subsequently denied that he had abused the child and accused her of fabricating the allegations. The evidence showed that the therapy necessary to preserve the family unit would not be effective, given respondent's denial of responsibility for the sexual abuse and his lack of empathy for the child.

Given this evidence, the trial court did not clearly err in finding that §§ 19b(3)(b)(i) and (j) were both established by clear and convincing legally admissible evidence. *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); MCR 3.977(E)(3) and (K). In addition, the trial court did not clearly err in determining that there was a reasonable likelihood the child would be abused again if placed in respondent's home. Further, respondent's abuse of one child was probative of how he may treat his other children. *In re AH*, 246 Mich App 77, 84; 627 NW2d 33 (2001). Thus, the evidence supported termination under §§ 19b(3)(b)(i) and (j). Any error in relying on § 19b(3)(g) as an additional ground for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent challenges the trial court's conclusion that termination was in the best interest of the children pursuant to MCL 712A.19b(5). Similarly, the guardian ad litem argues on appeal that the two older children expressed a preference against termination, and that this preference requires reversal of the trial court's decision. We disagree. The evidence demonstrated that the abused child exhibited emotional difficulties apparently attributable to the abuse, and that another of the children was acting out sexually. This evidence, combined with the evidence that respondent was not amenable to the therapy needed to preserve the family unit,

was sufficient to support the trial court's conclusion that termination was in the children's best interest. Moreover, the two older children's preferences in maintaining a relationship with respondent did not require the trial court to accede to their preferences. See *Powers*, 244 Mich App at 120.

Affirmed.

/s/ Peter D. O'Connell  
/s/ Henry William Saad  
/s/ Jane M. Beckering