

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TABITHA WICKOWSKI,  
MICHAEL WICKOWSKI, and JACOB  
WICKOWSKI, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SUSAN GRAVES,

Respondent-Appellant,

and

THOMAS EDWARD JERORE,

Respondent.

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UNPUBLISHED  
September 24, 2009

No. 290296  
Wayne Circuit Court  
Family Division  
LC No. 08-481136-NA

Before: Murphy, P.J., and Meter and Beckering, JJ.

PER CURIAM.

Respondent Susan Graves appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm.

The trial court did not clearly err in finding that § 19b(3)(j) was established by clear and convincing legally admissible evidence. MCR 3.977(E)(3); *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent, the maternal grandmother and adoptive mother of the children, failed to report sexual abuse perpetrated against two of her own biological children. She later failed to report sexual abuse perpetrated by her husband against one of the adopted children, allowed the abused child to decide whether to allow her abusive husband back into the home, failed to establish a safety plan for the children after allowing her husband back into the home, and failed to seek help for the abused child. Respondent attributed these failings to a lapse in judgment caused by her alcoholism, and she did not seek help to address her inability to deal with child sexual abuse in an appropriate manner so as to protect the children in her care. A child-protective-services worker opined that respondent was unlikely to benefit from services in light of the family's

lengthy history of sexual abuse and respondent's failure to protect her children. The evidence supported termination under § 19b(3)(j).

Because termination was appropriate under § 19b(3)(j), any error in relying on §§ 19b(3)(b)(ii) and (g) as additional grounds for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Further, although the trial court erred in applying the preamendment version of MCL 712A.19b(5), the evidence was ample to justify a finding that termination of respondent's parental rights was in the children's best interests. *In re Hansen*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_; 2009 WL 2173002 (2009). The evidence showed that respondent refused to deal with sexual abuse occurring in her family, and the risk of harm to the children outweighed any existing bond between respondent and the children. Therefore, the trial court did not clearly err in terminating respondent's parental rights to the children. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ William B. Murphy  
/s/ Patrick M. Meter  
/s/ Jane M. Beckering