

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 21, 2013

In the Matter of R. LORIAUX, Minor.

No. 312896
Wayne Circuit Court
Family Division
LC No. 11-503545-NA

Before: CAVANAGH, P.J., and SAAD and RIORDAN, JJ.

MEMORANDUM.

Respondent D. Loriaux appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (j), and (k)(ii). We affirm.

Respondent does not challenge the trial court's determination that the statutory grounds for termination were established by clear and convincing evidence. He contends only that the trial court erred in finding that termination of his parental rights was in the child's best interests. We review the trial court's decision regarding the child's best interests for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

"If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5). In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004), the parent's parenting ability, *In re Jones*, 286 Mich App 126, 129-130; 777 NW2d 728 (2009), the child's safety and well-being, *In re VanDalen*, 293 Mich App 120, 142; 809 NW2d 412 (2011), and the child's "need for permanency, stability, and finality," *In re Gillespie*, 197 Mich App 440, 446-447; 496 NW2d 309 (1992).

In this case, there was overwhelming evidence that respondent had sexually abused a prepubescent girl who resided in his household. The girl reported that the abuse had been going on for two or three years. Respondent wrote a letter to the girl in which he indicated that he knew that she liked the sexual acts, which implied that it had happened before, and the girl reported that one incident occurred in a bedroom closet and ejaculate with DNA that matched respondent's DNA was found on the carpet on the closet floor. Nevertheless, respondent refused to admit that any abuse occurred. The evidence showed that no matter how well respondent carried out his parental responsibilities while in the company of others, he could not be trusted around children when he is alone with them. Further, respondent's own inability to control his

aberrant sexual impulses caused the dissolution of the family and deprived his child of the company of his father. Respondent is serving a minimum prison sentence of 25 years and will remain incarcerated for the remainder of the child's minority. Under the circumstances, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. See *In re Hudson*, 294 Mich App 261, 268-269; 817 NW2d 115 (2011), and *In re Jenks*, 281 Mich App 514, 519; 760 NW2d 297 (2008).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Henry William Saad
/s/ Michael J. Riordan