

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EMILY FAITH SAXTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARY ANN SAXTON, a/k/a MARY ANN
JURCZYK,

Respondent-Appellant.

UNPUBLISHED
December 6, 2007

No. 277948
Wayne Circuit Court
Family Division
LC No. 03-420715-NA

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (g), (j), and (l). For the reasons more fully set forth in this opinion, we affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). Despite confessing to sexually abusing the child's half-sister "EJ," respondent continued to deny that such abuse had occurred. As of the date of trial, respondent had not admitted to the Child Protective Services investigator that she had molested EJ despite progressing beyond the denial phase in her sex offender therapy program. The program addressed respondent's denial of her actions in module two, and she was on module 8 of 13 at the time of trial.

Although respondent admitted at trial that she sexually abused EJ, she was equivocal about her confession that led to the criminal charge against her. She maintained that she could not have written it because she did not know how to spell some of the words used, but also testified that the police threatened not to let her go home if she did not write a statement, "even though [she] didn't do anything." Thus, even at trial, respondent was not willing to accept full responsibility for her actions and her ability to benefit from therapy was questionable at best.

Further, respondent violated her probation twice by denying that she sexually abused EJ and by residing at a residence at which she did not register as a sex offender. Moreover, as a condition of her probation, she was not permitted unsupervised contact with minors. Thus, she

could not become the child's caretaker and still comply with the terms of her probation. In addition, her progress in sex offender therapy was slow. The program normally took between 9 and 12 months to complete, and respondent had been in the program for approximately 20 months at the time of trial and was only on module 8 of 13. Therefore, her progress in therapy did not show that she would soon be able to provide proper care and custody for the minor child.

Once petitioner presented clear and convincing evidence supporting at least one statutory basis for termination, the trial court was required to terminate respondent's parental rights unless there existed clear evidence that termination was not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); *In re CR*, 250 Mich App 185, 195; 646 NW2d 506 (2002). Although respondent admitted her wrongdoing on occasion, she still did not fully accept responsibility for sexually abusing EJ. Considering the lack of a bond between respondent and the minor child, the evidence did not clearly show that termination of respondent's parental rights was contrary to the child's best interests.

Affirmed.

/s/ Bill Schuette

/s/ Stephen L. Borrello

/s/ Elizabeth L. Gleicher