

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of SERINA EILEEN JACKSON,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRIAN ANTHONY JACKSON,

Respondent-Appellant,

and

AMALIA ELENA JACKSON,

Respondent.

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In the Matter of SERINA EILEEN JACKSON,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMALIA ELENA JACKSON,

Respondent-Appellant,

and

BRIAN ANTHONY JACKSON,

Respondent.

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UNPUBLISHED

March 12, 2009

No. 286727

Kent Circuit Court

Family Division

LC No. 06-053594-NA

No. 286728

Kent Circuit Court

Family Division

LC No. 06-053594-NA

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Before: Sawyer, P.J., and Zahra and Shapiro, JJ.

PER CURIAM.

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

The trial court did not clearly err in finding that the statutory grounds for termination of respondents' parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions leading to adjudication were inappropriate parenting in exhibiting sexual behavior in the presence of the minor child and her half-brother and exposing both children to pornography, marital instability, emotional and verbal domestic violence, and homelessness. These conditions contributed to the six-year-old minor child's sexual abuse by her half-brother and constituted failure to provide proper care or custody. Sixteen months elapsed between the initial disposition and termination of respondents' parental rights.

The primary issues in this case were lack of sexual boundaries with the children and extreme marital instability. Both issues were caused by respondents' deep-seated personality issues. Respondent mother received 22 months of counseling to address her dependency, lack of assertiveness, and inability to protect the children. She had the potential to benefit and reached the point of admitting that openly sexual behavior may be detrimental to the child, but against the advice of the Families First worker, her therapists, and the trial court, she remained committed to a relationship with respondent father, who made no progress.

Respondent father received nine months of mental health counseling and ten sessions of sexual addiction counseling. However, respondent did not benefit from these services and instead demonstrated an unwillingness to address his problems. Respondent father maintained he was a victim of the system. He failed to rectify the conditions of domestic violence and marital affairs, which made respondents' home and marriage extremely unstable.

Given respondents' lack of benefit during the 22 months between the time services began and the time of termination, there was no reasonable likelihood respondents would rectify the conditions leading to adjudication and provide the minor child with proper care within a reasonable time. A home with respondent father remained unsafe and unstable, and respondent mother did not rectify her dependence on and commitment to respondent father. The evidence was clear and convincing she would fail to prevent sexually inappropriate behavior in the child's presence and that the home would be fraught with discord and instability. It was likely the minor child would be harmed if returned to respondents.

Further, the evidence did not show that termination of respondents' parental rights was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed the minor child was strongly bonded to respondents, their visits were positive and appropriate, and up to the time of termination the child desired to return home. However, in light of respondent father's lack of progress and respondent

mother's continued commitment to a relationship with him, there was no likelihood the child could safely return home within a reasonable time. Therefore, the trial court did not err in going beyond the required finding that termination of parental rights was not detrimental to her, and finding it in her best interests.

Respondent mother specifically argues petitioner did not tailor services to the specific recommendations made in her psychological evaluation, particularly in that her therapists were not qualified mental health therapists of the type contemplated by the evaluating psychologist. However, these claims are unsupported by the record. The evidence showed respondent mother's counselors were mental health therapists of the type contemplated by the evaluating psychologist and that respondent mother received 22 months of appropriate counseling.

Respondent mother also argues that petitioner did not recognize her desperate need for support or provide additional services to facilitate her independence from respondent father, particularly after her attorney was murdered by a violent husband. The evidence certainly showed respondent mother lacked a strong support system, and the loss of an attorney who could identify with her position in a domestically violent marriage was tragic. However, respondent received support from the Families First worker and her counselors but, against all advice, chose not to separate from respondent father and establish a support network separate from him.

Respondent father argues petitioner failed to provide sufficient counseling services because the management team of the YWCA prematurely and unfairly terminated his individual counseling and domestic violence group sessions. The evidence showed respondent father made no progress in individual counseling from September 2006 to May 2007, choosing to view himself as a victim instead of addressing his mental health issues. He was referred to ten sessions with a sex addiction specialist independent of the YWCA after additional psychological evaluation warranted it, but he continued to deny that sexual over exposure affected the child and her half-brother because he believed his own and respondent mother's sexual abuse as children had not affected them. He was discharged from the domestic violence counseling group for excessive absence, and given his expression of extreme dislike for the content of the group and its members, petitioner did not err in declining to refer him to additional domestic violence services.

The trial court correctly found marital counseling properly excluded from respondents' treatment plan because domestic violence was present in their home. Respondents' therapists followed State of Michigan and YWCA protocol by declining to provide marital counseling until the issue of domestic violence had been resolved. Given lack of progress in other forms of counseling, respondents do not establish that they would have benefited more had they received marital counseling. *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005).

Affirmed.

/s/ David H. Sawyer  
/s/ Brian K. Zahra  
/s/ Douglas B. Shapiro