

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
November 9, 2010

In the Matter of TURNER, Minors.

No. 297367
Kent Circuit Court
Family Division
LC No. 08-053124-NA
08-053125-NA

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Before: HOEKSTRA, P.J., and FITZGERALD and STEPHENS, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order that terminated their parental rights to their two children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The father argues that the trial court erred in terminating his parental rights and that the decision was not in the children's best interests. We disagree and find that the trial court did not clearly err in finding that statutory grounds for termination of the father's parental rights were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000).

The trial court asserted temporary jurisdiction over the children in October 2008 based on respondents' mental instability and troubled relationship with one another. A 2002 evaluation diagnosed the father with a delusional disorder based on his paranoia concerning the FBI, but at that time his mental illness did not seem to severely impact his ability to maintain interpersonal relationships. By 2008, the father's delusional thinking was much more pervasive and expansive. Behaviors like pulling his children out of school, installing cameras throughout the home, and stating that he had a special relationship with the FBI demonstrated that he was more profoundly affected. The father was having difficulty in his interpersonal relationships and his ability to maintain a normal social life. He was diagnosed with schizotypal personality disorder.

The evaluator, Jeffrey Kieliszewski, testified that the father's diagnosis was very difficult to treat, primarily because people with delusional disorders did not trust anyone, and a therapist would have to put in a great deal of effort to earn the patient's trust. Kieliszewski was not aware of anyone in the area that specialized in schizotypal personality disorder, as patients with the disorder tended to be accusatory and litigious.

The father's lack of progress is demonstrated by his harassing phone calls to the Grand Rapids Police Department in September 2009, resulting in criminal charges. The father also had contact with the Secret Service during the termination hearing. An agent wanted to know whether the father was a threat to Homeland Security. The father also testified that he called the FBI during the lunch break of the third day of the hearing to check on the status of his case. These actions demonstrate that the father's mental state had not improved.

The other primary barrier to reunification was the parties' toxic relationship with one another. They were divorced in 2005 and at one point the father obtained guardianship over the mother, who had bipolar disorder. The guardianship was dissolved near the beginning of this case. Police had been to their home no less than 15 times on allegations of domestic violence since 2001, and the mother had a history of obtaining PPOs against the father. The parties were at first determined to work together on a plan for reunification, but they eventually separated. However, they continued to have physical contact after the separation. Mat Klemp, who was the father's therapist at the YWCA Counseling Center and counseled the father in domestic violence for approximately 14 individual sessions, terminated the treatment because, as he stated, "[w]e weren't making any progress."

It is clear from the record that the conditions leading to adjudication -- mental illness and domestic violence -- continued to exist with no reasonable likelihood that the conditions would have been rectified within a reasonable time. Additionally, given the father's personality disorder and delusional thinking, he was simply not in a position to care for the children.

Having found the statutory grounds for termination of the father's parental rights proven by clear and convincing evidence, the trial court then had to determine whether termination of the father's parental rights was in the children's best interests. MCR 3.977(K); *Trejo*, 462 Mich at 356-357. The children were aged 13 and 12. By all accounts the children were bonded to their father and enjoyed visiting with him. They were also incredibly resilient and showed no major emotional injury as a result of their family life. However, all of the witnesses testified that, even though the children appeared non-symptomatic, it was likely that they were scarred by their time at home with their parents. The children had poor socialization skills when they were brought into care. The older child was behind academically. They had adjusted to their foster home and new life. While neither child indicated a desire that the father's parental rights be terminated, neither child wanted to return home even after 15 months in care.

We flatly reject the mother's claim that she did not receive the effective assistance of counsel at the hearing. MCR 3.916(A) provides that "the court may appoint a guardian ad litem for a party if the court finds that the welfare of the party requires it." The GAL's role is simply to provide additional protection for the parent. The mother points to the conduct of her GAL but neglects to mention that she was at all times well-represented by her attorney, who vigorously advocated on her behalf. Importantly, the mother fails to indicate how the results of the hearing would have been different if the GAL had not been absent at various points throughout the

hearing. Also of note was the fact that the mother left the courtroom quite frequently and in conjunction with the GAL. Because the mother does not assail the advocacy of her appointed attorney, who dutifully performed on her behalf, there is simply no merit in her position that she was deprived effective representation.

Affirmed.

/s/ Joel P. Hoekstra
/s/ E. Thomas Fitzgerald
/s/ Cynthia Diane Stephens