

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

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In the Matter of DENESSA PIERZINSKI and  
JUSTIN PIERZINSKI, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELLE DIANE KOBE,

Respondent-Appellant,

and

ADAM MICHAEL PIERZINSKI,

Respondent.

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In the Matter of DENESSA PIERZINSKI and  
JUSTIN PIERZINSKI, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ADAM PIERZINSKI,

Respondent-Appellant,

and

MICHELLE KOBE,

Respondent.

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UNPUBLISHED

June 12, 2007

No. 273681

Livingston Circuit Court

Family Division

LC No. 2005-010921-NA

No. 275768

Livingston Circuit Court

Family Division

LC No. 2005-010921-NA

Before: Talbot, P.J., and Cavanagh and Meter, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order terminating their parental rights to the minor children pursuant to 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 were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondent mother was the victim of ongoing sexual abuse by her mother's live-in boyfriend from the age of seven until she was 20 years old. The abuser had even molested respondent mother while her minor daughter was present and was suspected, on at least one occasion, of attempting to molest the respondents' minor daughter. Despite this ongoing abuse, respondent mother remained in the household with her abuser even though this living arrangement violated the parent-agency agreement and a no-contact order. Respondent mother believed that because the abuser had not recently attempted to molest her that he no longer comprised a threat to her or the minor children. The evaluating psychologist for respondent mother indicated that such naïve and unsophisticated thinking coupled with her "cognitive problems" and low IQ score, demonstrated that "she does not appear to have the capacity to make the judgment necessary to keep her children safe and to adequately parent." The psychologist believed that respondent mother cared for the children but lacked "sufficient attachment" and "capacity" and that a "high potential" for harm existed if the minor children were returned to respondent mother's care.

In addition, despite access to programs for parenting intervention and services, respondent mother's parenting skills demonstrated no significant improvement and her parenting abilities were described as "not in any way adequate." The minimal gains achieved in parenting skills, which were initially demonstrated by respondent mother, decreased during the pendency of the proceedings as her criminal activity increased, resulting in respondent mother facing charges of larceny under \$200, malicious use of a telephone and uttering and publishing. Respondent mother's relationship with Catholic Social Services was terminated when she failed to timely attend scheduled appointments. Respondent mother also neglected to schedule or complete other recommended evaluations. Respondent mother maintained only sporadic employment. Respondents' youngest child tested positive for THC at birth as the result of respondent mother smoking marijuana during her pregnancy. She failed to attend recommended AA meetings and several of her drug screens indicated the current use of marijuana and methamphetamines. Often, during visitation with the minor children, respondent mother was physically present but was neither interactive nor attentive and appeared incapable of relating to the children in a meaningful manner.

In addition to a long history of substance abuse, respondent father also showed no appreciable improvement in his ability to parent the minor children given his frequent incarceration for the majority of the time the children were in foster care. Respondent father argued that petitioner does not do enough to help incarcerated parents. While acknowledging

this deficiency, the trial court opined that the primary burden was on respondent to comply with the parent-agency agreement and that respondent father's incarceration constituted "voluntary disablement" because of his own criminal activity. Additionally, respondent father admitted that he spent a considerable amount of time hiding from the law, which could have been better expended in participating in rehabilitation programs and visiting his children. Respondent father failed to maintain consistent contact with the minor children or to avail himself of resources when he was out of the prison setting.

Having found the statutory grounds for termination proven by clear and convincing evidence, the trial court was obligated to terminate respondents' parental rights unless it appeared, on the whole record, that termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

In this case, there existed no basis to maintain the parental rights of the respondents. The mother-child bond was severely compromised during the pendency of this case because of the children's young ages and the failure of respondent mother to exercise available visitation opportunities with the minor children. Observations during visits with the minor children demonstrated that the minor children had emotionally detached themselves from respondent mother and showed no interest or desire to interact with her. Similarly, respondent father only saw the children for 20-minute intervals on three separate occasions while he was in jail during the fall of 2005. When respondent father was released from jail in January 2006, he failed to take advantage of the opportunity to spend time with the minor children, visiting with them only one time. As such, any parental bond that may have existed was destroyed by respondents' failure to maintain consistent and frequent contact with their children. Because the children were entitled to permanence and stability and respondents were incapable of providing any such security or continuity, the trial court properly terminated their parental rights.

Affirmed.

/s/ Michael J. Talbot  
/s/ Mark J. Cavanagh  
/s/ Patrick M. Meter