

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BRANDON CARL SEITZ,  
KATELYNN RENEE SEITZ, and MATTHEW  
JACOB SEITZ, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
April 19, 2005

V

CRAIG CORY SEITZ,

Respondent-Appellant,

No. 254373  
Macomb Circuit Court  
Family Division  
LC No. 02-052339

and

ELLEN SEITZ,

Respondent.

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Before: Kelly, P.J., and Sawyer and Wilder, JJ.

PER CURIAM.

Respondent Craig Cory Seitz appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent and Ellen Seitz were the parents of the three children and engaged in frequent episodes of domestic violence in the children's presence so that the children were placed in physical danger, became hypervigilant and jumpy, and exhibited other symptoms of post-traumatic stress disorder. Respondent hit the children with a belt and other objects. Ellen Seitz was bi-polar, unfaithful to respondent four times, untruthful, and physically neglected the home and the children. Respondent had anger management and obsessive relationship issues, and he lacked proper parenting skills. The children were physically and emotionally harmed by the parenting they received.

Respondent complied with many aspects of his parent agency agreement. He attended counseling for nearly two years, completed a thirty-six-week Alternatives to Domestic Aggression program, maintained sobriety for over two years and attended AA faithfully, maintained employment and a suitable home, and attended visits with the children regularly. The major drawback toward progress during this proceeding was the toxic relationship between respondent and Ellen Seitz, and their on-again, off-again status. The evidence clearly showed that the parents could not properly parent the children while in a relationship together, and that instead of focusing on what was best for the children, respondent pursued the relationship with Ellen Seitz for twenty out of the twenty-three months of this proceeding. Respondent made it very difficult for Ellen Seitz to leave him, even though she was clearly an unsuitable parent for the children and unfaithful to respondent over and over again. It was only in the last three months of the proceeding respondent finally stopped attempting to rehabilitate their relationship and filed for divorce.

Ellen Seitz voluntarily released her parental rights during the termination hearing. The evidence showed that respondent and Ellen Seitz both believed that they would never reconcile in the future. Respondent's testimony revealed that the two continued having negative telephone contact up to the time of termination. Ellen Seitz lived with a new boyfriend, and respondent began dating again against the advice of his counselors, although he soon ended that relationship. The issue became whether respondent could now parent the children since the toxic relationship with Ellen Seitz was apparently over. The evidence received from respondent's counselors showed that respondent had not sufficiently benefited from services. Respondent had not progressed in individual counseling, parenting classes, and domestic violence counseling to the point where he could properly and safely parent the children. He required direction at visits regarding parenting, particularly of Katelynn, who was diagnosed with ADHD and was extremely oppositional. More importantly, after nearly two years of counseling and completion of the Alternatives to Domestic Aggression program, respondent had not overcome his controlling behaviors and obsessive relationship issues, and those characteristics prevented him from properly parenting the children and would affect his relationships with a subsequent partner.

The trial court did not clearly err in finding that there was no reasonable likelihood that respondent could rectify his obsessive/controlling traits of domestic violence within a reasonable time, and that there was no reasonable expectation that respondent would be able to provide proper care or custody of the children within a reasonable time. The fact that respondent would exhibit those traits of domestic violence in parenting and in any subsequent relationships was not speculation, but a reasonable certainty. The children had suffered emotional and physical harm in respondent's care previously, and since he had not rectified the condition of adjudication, their return to respondent would result in continued emotional and physical harm.

Respondent contends that the trial court reached an incorrect decision because it relied on false testimony presented by Ellen Seitz and her boyfriend, namely threatening e-mails allegedly sent by respondent to the boyfriend, false police reports of respondent hitting and pushing Ellen Seitz, and a false police report of respondent attempting to run the boyfriend over with a car. The evidence clearly showed that the relationship between respondent and Ellen Seitz was dysfunctional and that both parties harassed one another. Ellen Seitz was a huge detriment to respondent, and whether or not respondent engaged in every act alleged by Ellen Seitz is

secondary to the fact that respondent pursued a relationship with her for nearly two years while knowing that she was not a suitable parent for the children and continued to pursue her after she had left him. Meanwhile, the children languished in foster care. Respondent could not overcome his own obsessive, controlling nature, and could not make the children his priority. The evidence showed that he would not be able to overcome those traits within a reasonable time, and that they would prevent him from properly parenting the children. Respondent's pursuit of his own desires even though they were contrary to the children's well being influenced the trial court's decision more than whether respondent did or did not send certain e-mails or engage in specific acts. There is no evidence that the trial court relied on false evidence in making its decision, but properly relied upon the record as a whole.

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). After nearly two years in foster care, the children wanted to return home, but only if respondent had changed. The evidence showed that respondent had not overcome his controlling and obsessive relationship issues, and had not sufficiently improved his parenting skills to the point where he could safely parent the children. The trial court did not err in finding that a permanent home in which they would be free of anxiety and physical and emotional harm was in the children's best interests.

Affirmed.

/s/ Kirsten Frank Kelly  
/s/ David H. Sawyer  
/s/ Kurtis T. Wilder