

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

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In the Matter of CHRISTINA LEROY, TIMOTHY  
S. LEROY, JR., JENNAFER LEROY, BRANDON  
LEROY, and JUSTIN LEROY, Minors.

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FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
February 12, 1999

Petitioner-Appellee,

v

No. 201686  
Grand Traverse Juvenile Court  
LC No. 96-000065 NA

TIMOTHY SCOTT LEROY,

Respondent-Appellant,

and

TINA LEROY,

Respondent.

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Before: Markman, P.J., and Bandstra and J.F. Kowalski\*, JJ.

MEMORANDUM.

Respondent Timothy Leroy appeals as of right the juvenile court order terminating his parental rights to five minor children under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent is the father of five children, born between 1983 and 1992. After the children were removed from their mother's custody, an amended petition for permanent custody was filed in March 1996 to include the father and request termination of both the mother's and respondent's parental rights.<sup>1</sup> Respondent admitted the allegations that he was unable to care for the children due to his alcohol abuse and temporary incarceration. The court directed him to

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\* Circuit judge, sitting on the Court of Appeals by assignment.

comply with the Family Independence Agency agreement, which required him to have a substance abuse and family psychological evaluation and follow all recommendations, comply with all recommendations in any substance abuse treatment programs, obtain and maintain adequate housing and full-time employment, and visit the children.

Subsequently, respondent attempted to deal with his admitted alcoholism by taking part in an intensive outpatient dependency program, and then a residential treatment program, which he completed on May 29, 1996. However, respondent continued to relapse into binge-drinking during this period, and was arrested several times during the summer and fall of 1996 while he was intoxicated. During this period, although respondent apparently recognized his problems and wanted to address them, he was also consuming up to two “fifths” of liquor per day and had suicidal thoughts while drinking. In October 1996, respondent entered another facility’s six-month inpatient treatment program. Although he appeared to stay sober, he left the program after ninety days. Soon after, he was again incarcerated for failure to pay child support and was still in jail at the time of the termination hearing. Respondent did not obtain any housing or a full-time job during this time. He did visit the children three times during the summer of 1996, but did not return after June 17, 1996. In December 1996, an amended petition for permanent custody was filed alleging that respondent continued to have problems with alcohol and that he had not complied with the agreement. On February 13, 1997, the juvenile court terminated respondent’s parental rights on the basis that the conditions that led to the adjudication continue to exist and are not likely to be rectified within a reasonable time given the age of the children. MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i).

Based on the facts of this case, the juvenile court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. *In re Hall-Smith*, 222 Mich App 470, 472-73; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-2; 501 NW2d 231 (1993). Respondent has not sufficiently addressed either his alcoholism or his lack of housing and a job such that he would be able to adequately care for five children immediately or in the near future. Further, respondent failed to show that termination of his parental rights was clearly not in the children’s best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, *supra*. Thus, the juvenile court did not err in terminating respondent’s parental rights to the children. *Id.*

Affirmed.

/s/ Stephen J. Markman  
/s/ Richard A. Bandstra  
/s/ John F. Kowalski

<sup>1</sup> The mother moved to Texas without the children. She remained in Texas and her parental rights were terminated in July 1996. She is not a party to this appeal.