

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEELY RAY MENDYK,
BRANDON TYLER MENDYK, and DAVID
MARTIN MENDYK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID PHILLIP MENDYK,

Respondent-Appellant,

and

MARA BENAVIDEZ, a/k/a MARA MENDYK,

Respondent.

UNPUBLISHED

July 10, 2001

No. 230954

Saginaw Circuit Court

Family Division

LC No. 98-025486-NA

Before: Saad, P.J., and Holbrook, Jr., and Murphy, JJ.

MEMORANDUM.

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

Respondent's sole argument on appeal is that termination of his parental was not in his children's best interests. We disagree. The evidence, viewed as a whole, does not demonstrate that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children were removed from respondent's home two years before entry of the termination order because respondent abused alcohol and had other substance abuse problems. Despite these ongoing proceedings, around the time of the termination hearing respondent faced sentencing for a drunk driving conviction. The trial court correctly found that given respondent's propensity to drink and drive and become physical with the children when abusing alcohol, the

children would risk harm if returned. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Henry William Saad

/s/ Donald E. Holbrook, Jr.

/s/ William B. Murphy