

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTONIO JOSEPH CEPEDA,
BRIANNA KATERI CEPEDA, and EZEKEIAL
ALEXANDER CEPEDA, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMY CEPEDA,

Respondent-Appellant,

and

EDDIE CHANDLER,

Respondent.

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BRIANNA KATERI CEPEDA, and EZEKEIAL
ALEXANDER CEPEDA, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EDDIE CHANDLER,

Respondent-Appellant,

and

AMY CEPEDA,

Respondent.

UNPUBLISHED
November 22, 2005

No. 261337
Emmet Circuit Court
Family Division
LC No. 03-005028-NA

No. 261338
Emmet Circuit Court
Family Division
LC No. 03-005028-NA

Before: Bandstra, P.J., and Neff and Markey, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent Chandler claims that the trial court erred reversibly in using language from MCL 712A.2(b)(2), the statutory subsection concerning family court jurisdiction, in finding that "on account of drunkenness and criminality the parents have neglected their children." We find no error. The trial court also concluded that two statutory grounds for termination of parental rights were satisfied, and the court's opinion showed no confusion over the proper legal standards. Further, drunkenness and criminality are two behavior patterns that often lead to or occur with child neglect.

We also find no clear error in the trial court's determination that clear and convincing evidence satisfied the statutory grounds in subsections (c)(i) and (g). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 357-362; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 636-639; 593 NW2d 520 (1999). Respondents both relapsed on cocaine and alcohol for a three-week period in September 2004. That this followed an eight-month period of sobriety and compliance with the case service plan does not require a different result.

The evidence showed that respondents had a long-standing problem with drugs and alcohol; the children were removed in November 2003, as in 1999, because the parents went on a drug binge. In 2003, they left one or more children alone for three prolonged periods. Antonio, then thirteen, was left alone for over a week in November 2003. He learned to care for himself and was described as "self-parenting" in his psychological evaluation. Respondents also failed to insist upon school attendance, did not participate substantially in court-ordered treatment, counseling, and visitation with Ezekeial when he was in residential treatment, failed to have Ezekeial take his medications, and did not properly supervise Brianna in Grand Rapids in November 2003.

Respondents' drug and alcohol abuse and neglect were recurring, cyclical problems that adversely affected the minor children. After the latest relapse, the consensus of mental health and substance abuse professionals was that at least six months, perhaps two years, would be required before the children could safely be returned to respondents' home. These estimates assumed no further relapses, a questionable assumption in view of respondents' long history with drugs, alcohol, instability, and criminal behavior. The latest drug binge landed both respondents in jail and they planned to enter inpatient drug treatment after that. We agree with the trial court that the evidence convincingly showed that respondents failed to provide proper care and custody for the minor children and would be unlikely to be able to do so within a reasonable time given the children's ages, and also that the conditions leading to adjudication continued and were not likely to be rectified within a reasonable time.

We further find no clear error in the trial court's conclusion that termination of respondents' parental rights to the minor children was not clearly contrary to the children's best interests. MCL 712A.19b(5); *Trejo*, *supra* at 356-357. The children need a loving, safe, stable,

structured home, which respondents are unable to provide. Respondents love the children and the children love them, but respondents have been unable to conquer their drug and alcohol problems and to provide a fit home for the children. Ezekeial and Antonio are already in high school and Brianna is in middle school. Uncertainty over their placement and respondents' progress is adversely affecting their well-being. It is not in their best interests to make them wait while their parents undertake an uncertain course of counseling, rehabilitation, and recovery. We find no clear error.

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Jane E. Markey