

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
August 16, 2012

In the Matter of C. J. LASER, Minor.

No. 308555
Branch Circuit Court
Family Division
LC No. 10-004428-NA

Before: MARKEY, P.J., and SHAPIRO and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent mother appeals by right the trial court's order terminating her parental rights to the minor child under MCL 712.A19b(3)(c)(i), (g), and (j). We affirm.

The principal condition that led to adjudication was respondent's ongoing alcohol abuse. She struggled with alcohol use her entire adult life; she had a history of completing alcohol abuse treatment only to then relapse. The evidence established that over the 16 months of the proceeding, respondent continued to drink. She abstained for only about three or four months. At one point, she was hospitalized with a blood alcohol level of .472. After a subsequent inpatient rehabilitation program, respondent testified she was done drinking. Respondent acknowledged her drinking caused emotional damage to the child. The trial court found the statutory grounds for termination were met, but did not find termination in the best interests of the minor child and allowed respondent the opportunity to demonstrate she could remain sober. The trial court ordered that efforts be made to reunite mother and child but ruled that if respondent drank, her rights would be terminated. About six weeks later, respondent appeared to be drunk at a visitation with her child and refused an alcohol screen. The trial court found termination was in the child's best interests. Respondent does not challenge on appeal the trial court's finding that the statutory grounds for termination were established by clear and convincing evidence. She instead argues that the termination was not in the child's best interests.

We conclude that the trial did not clearly err by finding that the evidence established that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent repeatedly, but unsuccessfully underwent alcohol treatment. She acknowledged her drinking emotionally damaged the minor child and that he was left in a state of uncertainty. The minor child began acting out after visits with respondent, and his behavior was regressing. The child had no sense of permanency. Respondent was unable to sustain sobriety throughout the lengthy

proceeding. The young child was entitled to stability and permanency. The trial court did not err in terminating respondent's parental rights to the child.

Respondent also challenges whether the evidence supported that she was drunk at the visitation with the minor child which led to termination of her rights. We note that the trial court's finding that respondent was drunk was supported by a written letter submitted by the caseworker, which the trial court could consider pursuant to MCR 3.973(E)(2) and MCR 3.975(E). The finding that respondent was drunk was also supported by her own admission that she refused the alcohol screen. Thus, the trial court did not clearly err when it found mother was drunk during the visitation. *In re LE*, 278 Mich App 1, 18; 747 NW2d 883 (2008).

We affirm.

/s/ Jane E. Markey

/s/ Douglas B. Shapiro

/s/ Amy Ronayne Krause