

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESSICA ROSE RUBINO, RON
THEODORE RUBINO, JR, and JULIONNA
ANGEL RUBINO, Minors.

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

UNPUBLISHED
January 10, 2006

Petitioner-Appellee,

v

RONALD THEODORE RUBINO,

Respondent-Appellant,

and

MICHELL LYNN WHITE,

Respondent.

No. 263337
Wayne Circuit Court
Family Division
LC No. 01-405146-NA

Before: O'Connell, P.J., and Smolenski and Talbot, JJ.

MEMORANDUM.

Respondent-appellant 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. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

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). During the three years of this proceeding, respondent-appellant complied with many aspects of his parent agency agreement, and the children were reunited with him for eight or nine months before being removed a second time. Although respondent-appellant made progress, it was not sufficient to afford the children proper care and custody and protect them from harm. Respondent-appellant did not rectify the conditions leading to adjudication. Respondent-appellant's drug screens were consistently negative, but he drank to the point of intoxication and the children feared for their physical safety at those times. He did not successfully address his impulsivity and anger in counseling or through medication management and, as a result, made poor decisions such as allowing

undesirable relatives to live in the home with the children. He did not obtain long-term, stable employment or housing, but remained dependent upon the assistance of others. At the second time the children were removed, issues of the children's physical safety, alcohol abuse, domestic discord, and lack of stable housing were again apparent. Although respondent-appellant's efforts at reunification were commendable, there was no reasonable likelihood that he would rectify the conditions leading to adjudication or provide the children with proper care or custody within a reasonable time.

Further, the evidence did not show that the children's best interests precluded termination of respondent-appellant's parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed that the children were bonded to respondent-appellant and would suffer from the loss of that bond. Although Jessica and Ron expressed a desire to return to respondent-appellant, they were happy and doing well in placement. In light of the fact that the children would suffer continual fear, anxiety, and instability in respondent-appellant's care, the trial court did not err in finding that it was not clearly contrary to, but in, the children's best interests to offer them the stability afforded by termination of respondent-appellant's parental rights and subsequent adoption.

Affirmed.

/s/ Peter D. O'Connell
/s/ Michael R. Smolenski
/s/ Michael J. Talbot