

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STEPHEN JAMES LESLIE,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

GARY LESLIE,

Respondent-Appellant.

UNPUBLISHED

January 29, 2009

No. 286897

Macomb Circuit Court

Family Division

LC No. 2006-000567-NA

Before: Hoekstra, P.J., and Fitzgerald and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The issues the led to adjudication included domestic violence between respondent and the child's mother and alcohol abuse. During the time that the minor child had been a temporary ward of the court, the police had been called to respondent's home on six different occasions, and respondent was incarcerated on three occasions relating to domestic violence. In each instance, drinking was involved. The latest incarceration occurred almost a year and a half after the minor child had been removed from the home and resulted from respondent's guilty plea to domestic violence. He also admitted that he had been drinking at that time. Respondent did not comply with any of the weekly random screens required by the parent agency agreement or the hair follicle tests ordered by the trial court. While he did engage in individual therapy for a period of time, he was discharged for noncompliance. Respondent completed parenting classes, a psychological assessment, and an assessment by the CARE program, but he was unable to show that he benefited from any of these services. Respondent's testimony showed that he did not understand the developmental abilities of the two-year-old minor child or how to appropriately care for a young child. He admitted that he would be unable to care for the minor child without the assistance of his brother and sister-in-law.

The court also did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); MCR 3.977(J). The trial court acknowledged that respondent loved the minor child. However, he was in and out of jail for domestic violence with the minor child's mother and continued to abuse alcohol during the year and a half that the minor child had been a temporary ward of the court. The minor child would continue to be at risk of emotional and physical harm in respondent's custody. The child deserved a stable environment in which to grow up, which respondent admitted he could not independently provide.

Affirmed.

/s/ Joel P. Hoekstra
/s/ E. Thomas Fitzgerald
/s/ Brian K. Zahra