STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MICHAEL ROESCH, JR., MARTIN ROESCH, JONATHON ROESCH, JENNIFER ROESCH, and JESSICA ROESCH, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL ROESCH,

Respondent-Appellant,

and

TRICIA ROESCH,

Respondent

UNPUBLISHED
February 27, 2007

No. 270951
Clinton Circuit Court
Family Division
LC No. 04-017578-NA

Before: Hoekstra, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Respondent Michael Roesch appeals by 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.

Respondent claims that clear and convincing evidence did not support termination of his parental rights. We disagree. The trial court did not clearly err in finding sufficient evidence to terminate respondent's parental rights under subsections (c)(i), (g), and (j). During the pendency of the case, respondent refused court-ordered drug screens and tested positive for THC, opiates, and cocaine in January 2005. In July 2005, after the children were returned home, respondent drove drunk with all five children in the car. His speed reportedly exceeded 100 miles an hour. He had been warned by his doctor not to drink alcohol while taking Vicodin, and the court orders prohibited possessing or drinking any alcohol as well. The caseworker and trial court had legitimate concerns that respondent was "trading one addiction for another" by using Vicodin, and that he had not accepted responsibility. Further, the home conditions continued to be a problem on unannounced visits. Respondent would not be able to provide proper care and custody within a reasonable time, and his behavior endangered the children. Clear and

convincing evidence supported termination of his parental rights under MCL 712A.19b(3)(c)(i), and (g), and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *Trejo*, *supra* at 364-365. While there was a bond between respondent and the children, he placed them in danger by driving drunk and failing to accept responsibility, thereby increasing the probability that the behavior would recur. The parents' substance abuse, volatile relationship, and lack of stability also caused the children anguish and uncertainty regarding their future. The court did not clearly err in its best interests ruling. *Id*. at 356-357; MCR 3.977(J).

We affirm.

/s/ Joel P. Hoekstra
/s/ Jane E. Markey
/s/ Kurtis T. Wilder