

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JEROME THOMAS FICHT,  
Minor.

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

Petitioner-Appellee,

v

JERRY FICHT,

Respondent-Appellant.

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UNPUBLISHED  
June 27, 2006

No. 265407  
Macomb Circuit Court  
Family Division  
LC No. 05-040422-NA

Before: Kelly, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Respondent appeals from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(g) and (j). We affirm.

Respondent's sole argument on appeal is that the evidence was insufficient to support a statutory ground under MCL 712A.19b(3) for termination of his parental rights to the child. The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

Respondent's serious and longstanding alcohol abuse clearly compromised his ability to care properly for the child and put the child at risk of harm. Because of his alcohol abuse, which spanned over thirty years, respondent was unable to care for the child for significant periods during the child's life while he attempted to maintain his sobriety. Respondent had a pattern of participating in substance abuse treatment but then relapsing after the child returned to his home, he was unable to maintain consistent employment, he had several alcohol-related convictions, and, at the time of the termination trial, he was imprisoned for a probation violation stemming from his alcohol use. Respondent would remain imprisoned for a minimum of five additional months following the termination trial, and he would be unable to provide care for the child during this time. Given the foregoing, the testimony clearly and convincingly established that respondent was unable to provide proper care or custody for the child in the past due to his continued alcohol abuse and would not likely be able to maintain his sobriety to enable him to provide proper care and custody for the child within a reasonable time, if ever. Despite

respondent's participation in numerous treatment programs aimed at addressing his substance abuse issue, he was not able to maintain his sobriety to enable him to care properly for his child.

Although the testimony did not indicate that respondent's alcohol abuse had recently caused any physical harm to the child, testimony established that the child was present in the car when respondent was driving after he had been drinking, the child was present in the home during respondent's relapses, the child was afraid to be in the home when respondent drank alcohol, and the child did not like to "live in fear" of respondent's drinking. Moreover, the child had been "back and forth" between respondent and his aunt for most of his life because of respondent's ongoing alcoholism, jeopardizing his need for permanency and stability.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Patrick M. Meter