

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAVID IVAN MARQUEZ,
ANNA KAREN MARQUEZ, JUAN JOSE
MARQUEZ, ANNAI JUDITH MARQUEZ,
CHRISTIAN SANTOS, and NAYELI ISABEL
SANTOS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

UNPUBLISHED
August 8, 2006

v

JUAN SANTOS SANTIAGO,

Respondent-Appellant.

No. 268357
Clinton Circuit Court
Family Division
LC No. 04-017520-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent Juan Santos Santiago appeals as of right from the trial court order terminating his parental rights to his two minor children.¹ We affirm. We decide this appeal without oral argument.²

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence.³ One of the conditions leading to adjudication was the fact that Santiago had been arrested for drinking and driving with two young children in the car. Santiago admitted that he had been convicted of operating a motor vehicle while

¹ MCL 712A.19b(3)(c)(i) (authorizing termination where conditions continue to exist); MCL 712A.19b(3)(c)(ii) (authorizing termination where other conditions exist); MCL 712A.19b(3)(g) (authorizing termination for failure to provide proper care or custody); MCL 712A.19b(3)(j) (authorizing termination when there is a reasonable likelihood of harm should the child return to the parent's home).

² MCR 7.214(E).

³ MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

intoxicated on October 3, 2004, August 5, 2005, and October 12, 2005. Thus, during the 15 months that the children were in foster care, Santiago managed to be arrested two additional times for drunk driving. Santiago failed to submit to a substance abuse assessment during the proceedings and, when he finally made an appointment to do so, he went out drinking with friends, was arrested, and missed his appointment. His drinking resulted in the re-removal of two children and also cost both parents their jobs and housing.

Based on the above, the trial court did not err in finding clear and convincing evidence that the condition leading to adjudication continued to exist without a reasonable likelihood that condition would be remedied within a reasonable time considering the children's ages. Even if Santiago recognized his serious problem with alcohol, he would have to prove himself substance-free and able to care for the children. This would have taken months, and the children had already been in foster care for 15 months. Santiago was in jail at the time of trial. His testimony that housing and a job were waiting for him upon his release was not supported by any other evidence.

Having found a statutory basis for termination, the trial court was required to terminate Santiago's parental rights absent clear evidence on the whole record that termination was not in the children's best interests.⁴ The children initially had a very strong bond with their parents. However, they had gotten used to not seeing their parents and no longer asked about them. Santiago's last visit with Christian Santos had to be stopped because Christian Santos was acting out and throwing things and Santiago was doing nothing to redirect the child. The children had already been in foster care for 15 months, and Santiago made no progress in addressing his issue with alcohol. The children were entitled to permanency and stability.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

⁴ MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).