

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RHYONN LEE CRAFT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHAWN NWACHUKWU, a/k/a RHONDA
RENISE CRAFT, a/k/a CHUKWUNADU SHAWN
NWACHUKWU,

Respondent-Appellant.

UNPUBLISHED

May 5, 2000

No. 217540

Wayne Circuit Court

Family Division

LC No. 97-359550

In the Matter of PARIJAH NWACHUKWU, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHNEISHE LASHA LLOYD,

Respondent-Appellant,

and

CHUKWUNADU S. NWACHUKWU, a/k/a
SHAWN NWACHUKWU,

Respondent.

No. 217673

Wayne Circuit Court

Family Division

LC No. 97-361873

In the Matter of PARIJAH NWACHUKWU, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHUKWUNADU S. NWACHUKWU, a/k/a
SHAWN NWACHUKWU,

No. 220420
Wayne Circuit Court
Family Division
LC No. 97-361873

Respondent-Appellant,

and

JOHNEISHE LASHA LLOYD,

Respondent.

Before: Kelly, P.J., and Holbrook, Jr. and Griffin, JJ.

PER CURIAM.

In these consolidated appeals, respondent Shawn Nwachukwu appeals as of right from the family court order terminating his parental rights to Rhyonn Lee Craft under MCL 712A.19b(3)(b)(ii) and (g); MSA 27.3178(598.19b)(3)(b)(ii) and (g). Nwachukwu also appeals by delayed leave granted, and respondent Johneshe Lasha Lloyd appeals as of right, from the family court order terminating their parental rights to Parijah Nwachukwu under MCL 712A.19b(3)(b)(ii) and (g); MSA 27.3178(598.19b)(3)(b)(ii) and (g). We affirm.

The record reveals that Rhyonn was left with respondents by his mother for a period of visitation. Witnesses testified that, although Rhyonn had a cold, a diaper rash and a burn to his face from an iron, there were no other injuries to the child when he was left in respondents' care. After being in respondents' care for two weeks Rhyonn presented to the emergency room in critical condition. His medical diagnosis included several bone fractures, cigarette burns, a collapsed lung, open wounds, bruises, a healed loop mark to his leg, and other signs of abuse. Several of his wounds were at various stages of healing.

As part of a prior order of filiation, Nwachukwu was to provide medical care for Rhyonn. Rhyonn's mother testified that her medical insurance card was in Rhyonn's diaper bag when he was left

in respondents' care. Nevertheless, respondents testified that they did not take Rhyonn to the hospital earlier because they did not believe his injuries, which allegedly occurred when he fell off a bed, were that serious and because they did not have authorization to take Rhyonn to the hospital. Although the court made no finding as to who caused the injuries, the environment that caused him come to the attention of FIA was respondents' home. Both respondents ignored Rhyonn's need for protection and immediate medical care, and the court ordered the child placed in foster care. Thereafter, the court found that, under the doctrine of anticipatory neglect, removal of Rhyonn and Lloyd's daughter Parijah from the home, and termination of respondents' parental rights was justified.

Both respondents, while contesting the sufficiency of the evidence in support of termination, have failed to direct their arguments to the two statutory grounds that formed the basis for the family court's order of termination. Respondents' failure to adequately brief the merits of their allegations of error is deemed an abandonment of the issues. *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998). We assume, therefore, that the family court did not clearly err in finding clear and convincing evidence of the grounds for termination under MCL 712A.19b(3)(b)(ii); MSA 27.3178(598.19b)(3)(b)(ii), failure to prevent injury or abuse, or MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(g), failure to provide proper care. In any event, Nwachukwu's argument lacks substantive merit.

Respondent Nwachukwu does not address the best interests prong of the termination decision, see MCL 712A.19b(5); MSA 27.3178(598.19b)(5), and no basis for vacating the family court's decision to terminate in this regard is apparent from the record. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

Having considered respondent Lloyd's arguments, we are similarly unpersuaded that any basis for vacating the family court's termination order with respect to Parijah has been shown. Although not specifically raised by respondent Lloyd, we note that § 19b(3)(b)(ii) is not applicable to her circumstances because she was not Rhyonn's parent. See *In re Powers*, 208 Mich App 582; 528 NW2d 799 (1995). Nevertheless, this Court has held that the doctrine of anticipatory neglect or abuse is not limited to situations where parents abuse or neglect their own children. *Id.*, at 592. Moreover, because respondent Lloyd's neglect of Rhyonn was relevant to a determination of her ability to care for Parijah, and because respondent Lloyd has provided no basis for disturbing the family court's determination that § 19b(3)(g) was established by clear and convincing evidence, we find no error.

Affirmed.¹

/s/ Michael J. Kelly
/s/ Donald E. Holbrook, Jr.
/s/ Richard Allen Griffin

¹ Petitioner's request for relief under MCR 7.215(E)(2) is denied.