

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.R.S., M.D.S., S.L.J., and R.C.C.,
JR., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARK SMITH,

Respondent-Appellant,

and

SHARON RENEE JOHNSON, RODNEY
CORNELIUS CANTLOW, SR., FRED DOE, and
JUAN KENNEDY,

Respondents.

UNPUBLISHED
February 18, 2003

No. 240634
Wayne Circuit Court
Family Division
LC No. 95-330571

Before: O'Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to the minor children M.R.S. and M.D.S. under MCL 712A.19b(3)(a)(ii), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant had not lived with the children since 1994. When the children became temporary wards of the court in 2000, they had not seen their father for approximately four years. During this time, respondent-appellant neither emotionally nor financially supported his children. When the treatment plan provided for parenting time, respondent-appellant's visits were sporadic. Further, respondent-appellant failed to comply in other respects with the parent-agency agreement. Although provided thirteen referrals, respondent-appellant never completed parenting classes. He failed to communicate adequately with petitioner and did not undergo the required drug assessments. Further, respondent-appellant

maintained a transient lifestyle. Based on the facts presented, we cannot say that the trial court clearly erred in terminating respondent-appellant's parental rights.

Respondent-appellant also asserts that termination was clearly not in the children's best interests. However, respondent-appellant does not address the merits of this issue in his brief. "It is axiomatic that where a party fails to brief the merits of an allegation of error, the issue is deemed abandoned by this Court." *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Accordingly, we decline to address this issue.

Affirmed.

/s/ Peter D. O'Connell
/s/ E. Thomas Fitzgerald
/s/ Christopher M. Murray