

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of C.J.F., B.W.F., and J.J.Y., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JEAN LUBA FICYK,

Respondent-Appellant,

and

JAMES WILLIAM YOUNG,

Respondent.

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In the Matter of C.J.F., B.W.F., and J.J.Y., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES WILLIAM YOUNG,

Respondent-Appellant,

and

JEAN LUBA FICYK,

Respondent.

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UNPUBLISHED

June 17, 2003

No. 243516

Wayne Circuit Court

Family Division

LC No. 95-333840

No. 243729

LC No. 95-333840

Before: Owens, P.J., and Bandstra and Murray, JJ.

PER CURIAM.

In these consolidated cases, respondents appeal as of right from the trial court order terminating their parental rights to their respective minor children under MCL 712A.19b(3)(c)(i), (g), and (j). Respondent Young is the father of only one of the minor children, J.Y.. We affirm.

A. Docket No. 243516

In Docket No. 243516, respondent Ficyk first argues that the order terminating her parental rights should be reversed because the petitioner failed to make reasonable efforts to reunify her with her children. However, Ficyk's brief merely states this conclusion and does not develop her argument. Therefore, she has abandoned the issue. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 406; 651 NW2d 756 (2002). Even if the argument were properly raised, our review of the record reveals that the argument is without merit because the foster care worker made numerous referrals to services in an attempt to allow the children to safely return home. For example, respondent Ficyk was repeatedly referred to alcohol abuse counseling, family and grief counseling, was provided in-home services, and was given ample time and opportunity for parenting time with the minor children. Throughout this time respondent also missed many counseling sessions and drug tests, yet the petitioner continued working with respondent to provide her services to assist her with her alcohol problems. Hence, the record belies respondent's assertions.

Ficyk has likewise abandoned the issue regarding whether the statutory grounds for termination were established by failing to address this issue in her brief. *Id.*<sup>1</sup> In any event, we find the trial court did not clearly err in finding that at least one statutory ground was established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that Ficyk continued to abuse alcohol throughout these proceedings, even as late as nine days before the termination hearing concluded, and that she continued to deny her alcoholism, despite several months in counseling. Further, the evidence did not show that termination of Ficyk's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating Ficyk's parental rights to the children.

B. Docket No. 243729

In Docket No. 243729, respondent Young, similar to respondent Ficyk, argues that the order terminating his parental rights should be reversed because of petitioner's alleged errors in handling this case. However, Young has abandoned the issue by failing to cite any authority in

<sup>1</sup> Indeed, respondent does not list this as an issue in her statement of issues presented, and only makes a one-line assertion in her brief that there was insufficient evidence to warrant terminating her rights to the minor children.

support of his position. *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995). In any event, our review of the record indicates that Young's argument is without merit.

It is noteworthy that Young does not argue that the statutory grounds for termination of his rights to the minor child were not established. Instead, he states that if a statutory ground for termination existed (and the trial court found that it did), it was only due to the agency's purported failures. Therefore, he has abandoned any argument that the statutory grounds were not established. *Yee, supra* at 406. However, even if the argument was not abandoned, we find the trial court did not clearly err in finding that at least one statutory ground was established by clear and convincing evidence. MCR 5.974(I); *Sours, supra* at 633; *Miller, supra* at 337. The evidence established that Young intended to plan for the minor child together with Ficyk, who continued to abuse alcohol, and that Young enabled Ficyk's use of alcohol by drinking with her (to the level of his own intoxication) during the summer of 2002. The evidence also established that Young failed to complete his counseling, did not benefit from services and, in fact, slept during many of the counseling sessions and parenting classes. Both Ficyk's and Young's excessive drinking in the home significantly impacted their ability to comply with the services and to gain compliance with the plan. Further, the evidence did not show that termination of Young's parental rights was clearly not in the child's best interests despite the evidence that there was a strong parent-child bond. MCL 712A.19b(5); *Trejo, supra* at 341, 356-357; 612 *Trejo, supra* at NW2d 407 (2000). Thus, the trial court did not err in terminating Young's parental rights to the child because we are not left with a definite and firm conviction that a mistake has been made. *In re JK*, \_\_\_ Mich \_\_\_; 661 NW2d 216 (Dkt. No. 121410, rel'd 5/20/03), slip op at 9.

Affirmed.

/s/ Donald S. Owens  
/s/ Richard A. Bandstra  
/s/ Christopher M. Murray