

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KYLONE HOLDER, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JAMES HUGHES,

Respondent-Appellant.

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UNPUBLISHED  
October 31, 2006

No. 268564  
Kent Circuit Court  
Family Division  
LC No. 03-055101-NA

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

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii) and (g). We affirm.

Kylone was placed in the court's care after his maternal grandmother's guardianship over him was terminated in January 2004. Respondent, the child's putative father, had been incarcerated for much of the child's life and had not actively participated in his life. However, when the child was placed in the court's custody, he stepped forward to plan for him. Because of his criminal history involving drugs and assaults and the limited time he had spent with the child, the parent-agency agreement addressed issues of emotional stability, parenting skills, substance abuse, domestic relations, and housing and employment. Respondent's visits were consistent and appropriate, but he refused to participate in any other recommended services. When petitioner suspended his visits in September 2004 because of his lack of participation, he stopped contacting petitioner or visiting or inquiring about the child. He did not attend any further court hearings, including the termination hearing. On January 18, 2006, the court terminated respondent's parental rights under MCL 712A.19b(3)(a)(ii) and (g).

In his argument on appeal, respondent states that the evidence did not support termination of his parental rights but fails to show how the evidence did not support termination under the two grounds cited by the trial court. The failure to brief the merits of an allegation of error is deemed an abandonment of the issue. *People v Kent*, 194 Mich App 206, 210; 486 NW2d 110 (1992). Even if the issue is considered, evidence that respondent failed to contact or inquire about the child after his visitation privileges were suspended in September 2004, and that he failed to participate in any of the recommended services to address legitimate concerns, shows

that the trial court did not clearly err in finding the statutory grounds proven by clear and convincing evidence. MCR 3.977(G)(3), (J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child'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 clearly err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Richard A. Bandstra  
/s/ Donald S. Owens