

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL CURTIS LYONS,

Plaintiff-Appellant,

v

LOYD GREEN, ELESIS GREEN and LULA
BELLE STEWART CENTER,

Defendants-Appellees.

UNPUBLISHED

June 18, 1999

No. 207147

Wayne Circuit Court

LC No. 96-648807 CZ

Before: Neff, P.J., and Hood and Murphy, JJ.

PER CURIAM.

Plaintiff appeals as of right from an order granting summary disposition in favor of defendants. We affirm.

I

The juvenile division of the Wayne Probate Court entered an order terminating plaintiff's parental rights to his son on January 11, 1996. On appeal, plaintiff argues that defendants conspired against him when they alleged that he sexually abused his son and then gave false testimony during the probate proceeding. The trial court granted defendants' motion for summary disposition because it did not have jurisdiction over the matter and because the defendants were immune from prosecution for their allegedly false statements.

We find no error here. Plaintiff relies on alleged misconduct that took place during the probate court proceedings in an attempt to regain custody of his son. However, it is well settled that a probate court's decision in parental rights cases can be challenged only on direct appeal, not by collateral attack. *In re Hatcher*, 443 Mich 426, 439; 505 NW2d 834 (1993). Because plaintiff's avenue to challenge the termination of his parental rights is through direct appeal in that case, the trial court properly granted defendants' motion for summary disposition based on lack of jurisdiction. MCR 2.116(C)(4).

To the extent that plaintiff is attempting to claim that defendants defamed him in the probate proceedings, defendants are immune. Persons who report child abuse are immune from civil and

criminal liability if the report is made in good faith. MCL 722.625; MSA 25.248(5). One who has reasonable cause to suspect a child is being abused is presumed to be acting in good faith when reporting these suspicions. *Warner v Mitts*, 211 Mich App 557, 559; 536 NW2d 564 (1995). “The purpose of the immunity is to facilitate the public policy behind the act, which is to encourage reporting of suspected child abuse.” *Id.* Our review of the record reveals that reasonable cause existed for the suspicion of abuse because plaintiff’s son told defendant Elesis Green that someone “licked his pee pee” when he was visiting plaintiff. Because her suspicion was reasonable, good faith is presumed and she is immune from civil and criminal liability.

Likewise, defendant Lulla Belle Stewart Center is immune from liability. See *Martin v Children’s Aid Society*, 215 Mich App 88, 95; 544 NW2d 651 (1996) (social workers who initiate and monitor protection proceedings are immune from liability). Plaintiff’s remedy does not lie in a civil action against the social worker. Instead, potential wrongful conduct by a social worker can be addressed through direct attack or appeal of the probate court’s order. Accordingly, the trial court properly granted defendants’ motion for summary disposition on the basis that defendants were immune from civil and criminal liability. MCR 2.116(C)(7).

II

Plaintiff also argues that his attorney conspired with the bonding company to prevent him from securing the \$5,000 bond the trial court required. However, plaintiff offers no evidence to support his claim. Moreover, by failing to cite relevant authority in support of his position, plaintiff has effectively abandoned this issue. *Schadewald v Brule*, 225 Mich App 26, 34; 570 NW2d 788 (1997).

Affirmed.

/s/ Janet T. Neff
/s/ Harold Hood
/s/ William B. Murphy