

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

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In the Matter of DA'JAH DENISE BOYD, DA'NEZ  
STAF'FON ELLIS and ERIC WAVERLY ELLIS,  
JR., Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
October 12, 1999

v

ERIC WAVERLY ELLIS and RUTH MICHELLE  
BOYD,

Nos. 210310;210378  
Wayne Circuit Court  
Family Division  
LC No. 94-321636

Respondents-Appellants.

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Before: Griffin, P.J., and Zahra and S.L. Pavlich\*, JJ.

MEMORANDUM.

Respondent Ellis appeals by delayed leave granted and respondent Boyd appeals as of right from the family court order terminating their parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (b)(i), (b)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (b)(i), (b)(ii), (c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Contrary to respondent Ellis' argument, MCL 712A.19b(5); MSA 27.3178(598.19b)(5) does not unconstitutionally shift the burden of proof from the government to the parent to show that termination of parental rights is clearly not in a child's best interests. *In re Hamlet*, 225 Mich App 505, 521-523; 571 NW2d 750 (1997). Respondent Ellis does not argue that the statutory grounds for terminating his parental rights were not established by a clear and convincing evidence. The failure to brief the merits of an allegation of error is deemed an abandonment of an issue. *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998). Therefore, the Court may assume that the family court did

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\* Circuit judge, sitting on the Court of Appeals by assignment.

not clearly err in finding clear and convincing evidence to support the statutory grounds for terminating respondent Ellis' parental rights. *Id.*, at 98-99.

Respondent Boyd argues that petitioner failed to present sufficient evidence to terminate her parental rights. We disagree. With the exception of §§ 19b(3)(a)(ii) and (b)(i),<sup>1</sup> the family 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). Further, respondent Boyd failed to show that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondent Boyd's parental rights to the children. *Id.*

Affirmed.

/s/ Richard Allen Griffin

/s/ Brian K. Zahra

/s/ Scott L. Pavlich

<sup>1</sup> It appears that these subsections were intended to apply only to respondent Ellis.