

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D'ANGELO DECARLOS
WILLIAMS, a/k/a ANGELO WILLIAMS, and IRIN
BRIAN WILLIAMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

YVETTE MICHELLE WILLIAMS,

Respondent-Appellant,

and

ROGER CHANDLER and JOHN JAMES,

Respondents.

UNPUBLISHED

July 11, 2000

No. 221348

Wayne Circuit Court

Family Division

LC No. 98-373618

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (b)(i), (b)(ii), (g), (j) and (k); MSA 27.3178(598.19b)(3)(a)(ii), (b)(i), (b)(ii), (g), (j) and (k). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court did not abuse its discretion in admitting the child's out-of-court statements about acts of physical abuse by respondent-appellant. *In re Hill*, 221 Mich App 683, 696; 562 NW2d 254 (1997). The nature and circumstances surrounding the statements provide adequate indicia of trustworthiness and there was sufficient corroborative evidence of the acts described by the child MCR 5.972(C)(2); *In re Brimer*, 191 Mich App 401, 405; 478 NW2d 689 (1991). However, we

believe the court did abuse its discretion in admitting the child's out-of-court statements concerning acts of sexual abuse, because there was no corroborative evidence of the alleged acts described by the child. Nevertheless, any error was harmless because the evidence of physical abuse alone supports the court's decision to terminate respondent's parental rights with respect to both children under § 19b(3)(b)(i). Further, apart from any alleged sexual abuse, the family court did not clearly err in finding that termination of respondent-appellant's parental rights with respect to Angelo was also warranted under §§ 19b(3)(a)(ii), (g), (j) and (k), and that termination of respondent-appellant's parental rights with respect to Irin was also warranted under §§ 19b(3)(g) and (j). MCR 5.974; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant does not address the issue whether termination of her parental rights was clearly not in the children's best interests, see MCL 712A.19b(5); MSA 27.3178(598.19b)(5), and, therefore, we deem that issue abandoned. Cf. *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998). Thus, the family court did not err in terminating respondent-appellant's parental rights to the children. *Id.*

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad