

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.W., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEROY LEWIS, JR.,

Respondent-Appellant.

UNPUBLISHED

February 2, 2001

No. 227125

Genesee Circuit Court

Family Division

LC No. 93-093911-NA

Before: Talbot, P.J., and O'Connell and Cooper, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order taking jurisdiction over his minor child. MCL 712A.2(b)(1); MSA 27.3178(589.2)(b)(1). We affirm.

After a careful review of the record, we are satisfied that the family court established grounds for the assumption of jurisdiction over the minor by a preponderance of the evidence. Accordingly, the referral of the minor to the FIA for placement and care was proper. MCL 400.55(h); MSA 16.455(h).

The record reflects a long history of court involvement with the family. Reba Woods released her parental rights to M.W. (d/o/b 2/28/92) on July 15, 1997. On February 24, 1998, the child was placed with her father, Leroy Lewis, Jr., appellant.

The referee found that Mr. Lewis neglected M.W. by allowing her to live with and have substantial contact with the mother, who he knew had previously abused the child. M.W. was in fact delivered to the FIA by her mother. The FIA worker testified that when M.W. was placed in their care, she possessed an unpleasant odor and needed a change of clothes. While helping M.W. change clothes, the FIA worker found a yellow crust along her entire hairline and several new scratch marks and scars on her neck and back. The FIA worker further testified that M.W. was hungry when she arrived, had not eaten a meal that day, and appeared extremely thin.

Based on the family court records, there was a preponderance of the evidence showing that the minor would be at a substantial risk of harm if left in Mr. Lewis' care.

Affirmed.

/s/ Michael J. Talbot
/s/ Peter D. O'Connell
/s/ Jessica R. Cooper