

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EDMOND ALEXANDER
POSEY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHAMAYA POSEY,

Respondent-Appellant.

UNPUBLISHED

January 8, 2004

No. 249602

Oakland Circuit Court

Family Division

LC No. 2003-677200-NA

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent appeals as of right from an order of disposition entered by the circuit court in this child protective proceeding. We affirm.

Respondent and her husband are the guardians of the minor child. Petitioner filed a neglect petition alleging that respondent's husband had physically abused their ward and that respondent had failed to protect him. The court assumed jurisdiction over the child after respondent's husband entered a no contest plea to the petition. The court later conducted a nonjury trial as to respondent and again determined that it had jurisdiction over the child. Respondent contends that the trial court erred in finding that the evidence against her was sufficient to establish jurisdiction.

MCL 712A.2(b) grants the family court subject-matter jurisdiction of cases concerning children under eighteen years of age if the child's parent or guardian is neglectful as defined in subsection 1 or has failed to provide a fit home as defined in subsection 2. *In re AMB*, 248 Mich App 144, 167; 640 NW2d 262 (2001). Because the family court's jurisdiction is "tied to the children," the FIA is not required to "sustain the burden of proof at an adjudication with respect to every parent of the children involved in a protective proceeding before the family court can act in its dispositional capacity." *In re CR*, 250 Mich App 185, 205; 646 NW2d 506 (2002). Because the family court had acquired jurisdiction over the child by virtue of respondent's husband's plea, it could enter an order of disposition against both guardians regardless of the evidence against respondent. *Id.* at 202-203.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen