

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

---

In the Matter of MITCHELL ROBERT HAINES  
and CARLY EILEEN HAINES, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROBERT A. HAINES,

Respondent-Appellant,

and

AMBER YVONNE HAINES,

Respondent.

---

In the Matter of MITCHELL ROBERT HAINES  
and CARLY EILEEN HAINES, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMBER YVONNE HAINES,

Respondent-Appellant,

and

ROBERT A. HAINES,

Respondent.

---

UNPUBLISHED  
September 3, 2009

No. 290252  
Macomb Circuit Court  
Family Division  
LC No. 2007-000592-NA

No. 290349  
Macomb Circuit Court  
Family Division  
LC No. 2007-000592-NA

Before: Saad, C.J., and Whitbeck and Zahra, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal from a circuit court order that terminated their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondents argue that the evidence did not support termination of their parental rights, but both respondents incorrectly assert that termination was ordered under § 19b(3)(c)(ii), and neither respondent addresses § 19b(3)(j). Because only one statutory ground for termination is necessary and respondents have not challenged the trial court's reliance on § 19b(3)(j), this Court need not examine their challenges to the other statutory grounds. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998), overruled in part on other grounds, *In re Trejo*, 462 Mich 341, 353 n 10; 612 NW2d 407 (2000). Moreover, respondents' claim that they were not given a reasonable opportunity to change is without merit. The court gave them at least two "last" chances, and respondents wasted their opportunities. At a permanency planning hearing in July 2008, the caseworker recommended termination of respondents' parental rights but agreed to give them "one last chance to be in compliance." The trial court agreed and emphasized to both respondents the importance of complying with drug testing. The court allowed visitation to continue. Thereafter, on September 24, 2008, the date scheduled for the termination hearing, the parties advised the court that they were in agreement to give respondents an additional few months to comply. The trial court again emphasized the importance of complying with drug screens. The court informed respondents that if they could not contact petitioner, they should contact their attorneys, who could contact the court and the court would address the situation. Respondents continued their pattern of noncompliance with drug testing and failing to visit. In light of respondents' failure to change their behavior despite the warnings and opportunities provided by the court over the years this matter was before the trial court, the court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Respondent Amber Haines also asserts that termination of her parental rights was not in the children's best interests, but she does not advance any argument on that point in her brief. "It is axiomatic that where a party fails to brief the merits of an allegation of error, the issue is deemed abandoned by this Court." *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999).

Respondent Robert Haines additionally argues that the trial court improperly relied on Dr. Ryan's psychological report, contrary to MRE 702. However, he fails to recognize that MRE 702 and other rules of evidence do not apply in these circumstances. MCR 3.977(G)(2), which addresses proceedings in which termination of parental rights is sought, states:

The Michigan Rules of Evidence do not apply, other than those with respect to privileges, except to the extent such privileges are abrogated by MCL 722.631. At the hearing all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value. The parties must be afforded an opportunity to examine

and controvert written reports so received and shall be allowed to cross-examine individuals who made the reports when those individuals are reasonably available.

Respondent does not argue that he sought and was denied an opportunity to cross-examine Dr. Ryan. His contention that the trial court's reliance on the report requires reversal of the order termination parental rights is without merit.

Affirmed.

/s/ Henry William Saad  
/s/ William C. Whitbeck  
/s/ Brian K. Zahra