STATE OF MICHIGAN

COURT OF APPEALS

In re WORRALL-HALL, Minors.

UNPUBLISHED
June 20, 2024

No. 368806
Osceola Circuit Court
Family Division
LC No. 23-005929-NA

Before: CAMERON, P.J., and N. P. HOOD and YOUNG, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her two minor children, KM and KD. The trial court terminated respondent's parental rights to the children, at the initial disposition, under MCL 712A.19b(3)(b)(*ii*) (child or sibling suffered sexual abuse and parent, while able, failed to protect them), and MCL 712A.19b(3)(j) (reasonable likelihood child will be harmed if returned to parent's home). We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

This case arises out of a report to Children's Protective Services (CPS) after KM, then 13 years old, was found to be pregnant by Dylan Boglarsky, an adult male.[1] Boglarsky lived in respondent's home and frequently slept in the children's bedroom. After discovering KM's pregnancy, respondent allowed Boglarsky to remain in the home. The investigation also revealed possible sexual relations between Boglarsky and 12-year-old KD and that respondent was aware of the sexual relationships between Boglarsky and her children, but failed to intervene. CPS also received reports that respondent was not educating the children and that the house was a mess. The trial court assumed jurisdiction over the children. It later found that statutory grounds for termination existed and that termination was in the children's best interests at the initial disposition hearing. This appeal followed.

[1] Boglarsky was convicted of first-degree criminal sexual conduct in his corresponding criminal case.

II. ANALYSIS

Respondent argues that the trial court erred by (1) assuming jurisdiction over her minor children; (2) finding statutory grounds existed to terminate her parental rights; and (3) determining termination was in the children's best interests. We disagree.

A. STANDARDS OF REVIEW

"To properly exercise jurisdiction, the trial court must find that a statutory basis for jurisdiction exists." *In re BZ*, 264 Mich App 286, 295; 690 NW2d 505 (2004). "Jurisdiction must be established by a preponderance of the evidence." *Id.*; MCR 5.972(C)(1). "We review the trial court's decision to exercise jurisdiction for clear error in light of the court's findings of fact[.]" *BZ*, 264 Mich App at 295. "A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re COH, ERH, JRG, & KBH*, 495 Mich 184, 203-204; 848 NW2d 107 (2014) (quotation marks and citation omitted). "Thus, under the clear-error standard, a reviewing court should not substitute its judgment on questions of fact unless the factual determination clearly preponderates in the opposite direction." *Id*. at 204 (quotation marks and citation omitted).

"This Court reviews for clear error the trial court's factual findings and ultimate determinations on the statutory grounds for termination." *In re White*, 303 Mich App 701, 709; 846 NW2d 61 (2014) (footnote and citations omitted); MCR 3.977(K). This court also reviews the trial court's determination regarding best interests for clear error. *White*, 303 Mich App at 713. "The trial court's factual findings are clearly erroneous if the evidence supports them, but we are definitely and firmly convinced that it made a mistake." *Id*. at 709-710.

B. JURISDICTION

"Child protective proceedings are generally divided into two phases: the adjudicative and the dispositional." *In re Brock*, 442 Mich 101, 108; 499 NW2d 752 (1993). "The adjudicative phase determines whether the probate court may exercise jurisdiction over the child." *Id*. "In order to find that a child comes within the court's jurisdiction, at least one statutory ground for jurisdiction contained in MCL 712A.2(b) must be proven, either at trial or by plea." *In re SLH*, 277 Mich App 662, 669; 747 NW2d 547 (2008).

The trial court assumed jurisdiction over the children under MCL 712A.2(b)(1) and (2), which state:

> (b) Jurisdiction in proceedings concerning a juvenile under 18 years of age found within the county:
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> (1) Whose parent or other person legally responsible for the care and maintenance of the juvenile, when able to do so, neglects or refuses to provide proper or necessary support, education, medical, surgical, or other care necessary for his or her health or morals, ...
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> * * *

> (2) Whose home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent adult, or other custodian, is an unfit place for the juvenile to live in. . . .

There was ample evidence in the record to support the trial court's finding under MCL 712A.2(b)(1) that respondent failed to provide proper care for the children. Respondent allowed Boglarsky to live in her home despite receiving multiple warnings, as early as the fall of 2022, from different people about concerns regarding his relationship with KM. Witnesses testified to at least one situation in which respondent was directly next to Boglarsky "grinding" on KM against the car door in September 2022. Respondent knew Boglarsky gave KM a ring that she wore on "every finger" and knew KM had a crush on him. Respondent contends she never saw any interaction between KM and Boglarsky that seemed like more than a brother-sister relationship, but this is simply untrue. Respondent acknowledged Boglarsky "cuddled" with both children on the couch, but apparently decided this was permissible because there was limited seating room. Respondent repeatedly had to kick Boglarsky out of the children's room, and admitted she did not always know what happened after she went to bed.

Respondent alleges she did not know about the relationship or that Boglarsky was the father until CPS told her the day the children were removed. This argument is directly contradicted by respondent's own statements during her interview the day of removal admitting she knew Boglarsky was the father the day after she found out KM was pregnant. Not only does respondent's own admission belie her argument, but text messages retrieved from her cell phone demonstrate she confronted Boglarsky almost immediately after finding out about KM's pregnancy. Despite knowing he was the father of her 13-year-old daughter's baby, respondent allowed him to remain in her home, under the guise that he was going to provide for the baby. Instead of reporting the abuse to the police, respondent chose to hold it over Boglarsky's head to make him stay around, to stay in his victim's—her daughter's—life. The evidence overwhelmingly demonstrates that, at a minimum, respondent found out about the abuse and allowed Boglarsky to remain in her home for about two weeks until he was removed by someone else.

Respondent argues on appeal that there was no evidence she "actively facilitat[ed] the relationship," and she, again, had no idea what was happening. Respondent appears to believe that, so long as she did not sell her daughter to Boglarsky or actively encourage the relationship, she is faultless. However, the statute itself concerns when a parent "neglects or refuses" to properly care for the child. MCL 712A.2(b)(1). Respondent focuses on the word "neglect" in this statute in the context of providing clothing, education, or medical treatment. But, the term "neglect" also concerns when a parent neglects to properly provide support, "or other care necessary for [the child's] health or morals[.]" MCL 712A.(2)(b)(1). Whether she actually knew of the abuse before finding out KM was pregnant, respondent, at a minimum, neglected to notice, despite the obvious warning signs, that KM was being molested by an adult man she permitted to live under her roof, and neglected to protect her from Boglarsky once she did affirmatively know of the abuse.[2]

[2] We recognize respondent's actions primarily concerned KM. However, the record indicates that respondent, after learning Boglarsky inappropriately touched KD, kicked him out of the home but

Respondent also argues on appeal that it is improper to hold her to a higher standard than the other adults who allegedly witnessed the inappropriate relationship and did not contact the police. But, the statutory framework explicitly concerns this different level of responsibility. MCL 712A.2(b)(1) concerns the child's "parent or other person legally responsible for [their] care and maintenance[,]" while MCL 712A.2(b)(2) concerns an inappropriate home environment "on the part of a parent, guardian, nonparent adult, or other custodian[.]" It was respondent's—the children's legal guardian's—actions which gave rise to this case and authorized the trial court to assume jurisdiction over the children. The level of responsibility of these other adults is irrelevant.

Because the trial court only needed one statutory ground to assume jurisdiction over the children, *SLH*, 277 Mich App at 669, we need not address MCL 712A.2(b)(2).

C. STATUTORY GROUNDS

"To terminate parental rights, a trial court must find by clear and convincing evidence that at least one statutory ground under MCL 712A.19b(3) has been established." *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). "Only one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights, even if the court erroneously found sufficient evidence under other statutory grounds." *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011).

The trial court terminated respondent's parental rights under MCL 712A.19b(3)(b)(*ii*) and (j), which state:

> (3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:
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> * * *
>
> (b) The child or a sibling of the child has suffered physical injury or physical or sexual abuse under 1 or more of the following circumstances:
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> * * *
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> (*ii*) The parent who had the opportunity to prevent the physical injury or physical or sexual abuse failed to do so and the court finds that there is a reasonable

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then allowed him to move back in, because she "forgave him." Respondent maintained she did not know about any inappropriate relationship with KD, but, considering the cuddling on the couch, having to kick him out of the children's room, and the children's jealousy over him, a reasonable parent in respondent's position would have been concerned about his relationship with KD as well as KM. Furthermore, regardless of whether Boglarsky actually sexually assaulted KD, respondent allowed a sexual predator, who was molesting her eldest child, and who seems to have at least touched KD inappropriately, to remain around her youngest child as well.

likelihood that the child will suffer injury or abuse in the foreseeable future if placed in the parent's home.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if the child is returned to the home of the parent.

Under MCL 712A.19b(3)(b)(*ii*), it is undisputed that KM suffered sexual abuse, and it is possible KD did as well. Respondent stipulated to this fact so her children would not have to testify. Respondent's argument on appeal contends that, since other adults did not report their concerns to the police, respondent was somehow justified in remaining willfully ignorant of what was happening under her own roof. Respondent also argues that, since one witness reported her concerns to the police, the police's failure to investigate the report somehow absolves respondent of the responsibility to protect her children. Respondent's continued attempt to deflect blame aside, the police's or CPS's failure to investigate a report by a concerned person *once* does not equate to respondent's failure to act on, let alone notice, KM's inappropriate relationship with Boglarsky. Respondent was warned about others' concerns regarding the relationship multiple times, but, not only did she ignore these warnings, she was angry that they kept happening. Respondent had a front-row seat to the relationship, in which witnesses testified KM acted like a giddy child in love, and in which KM demonstrated multiple instances of concerning body language while around Boglarsky. Respondent knew KM liked Boglarsky, but, apparently, despite all these signs, still only saw the two acting as siblings.

Furthermore, the evidence shows respondent not only allowed Boglarsky to remain in the home after discovering he impregnated KM, but that she used the criminality of the situation to blackmail him into staying to help care for the baby, and concocted a lie about how KM got pregnant to keep him around. Respondent contends there was no evidence any abuse occurred after this fact, and that there was no evidence she allowed him unsupervised access to KM after finding out he impregnated her, but, the fact that she allowed him *any* access to KM demonstrates her failure, and indeed unwillingness, to protect her children.

Respondent also somehow claims that she was not at fault for not reporting Boglarsky immediately after finding out he was the father of KM's baby, because she knew the hospital would report the situation to CPS. Again, respondent seems to think that another adult's actions toward protecting her children somehow absolves her of her obligation to do the same, if not more. As the trial court noted, when respondent was faced with the horrible situation that her child was impregnated by a grown man she allowed to live in her home, she chose to protect the predator instead of her child. There was ample evidence that respondent, though able to do so, failed to protect KM, and possibly KD as well, from sexual abuse, and, given her actions after finding out about the abuse, that there was a reasonable likelihood the children would be abused again if returned to her care. Because there is sufficient evidence to support termination of respondent's

parental rights under MCL 712A.19b(3)(b)(*ii*), *Ellis*, 294 Mich App at 32, we need not consider the other ground.[3]

D. BEST INTERESTS

"Once a statutory basis for termination has been shown by clear and convincing evidence, the court must determine whether termination is in the child's best interests." *In re LaFrance Minors*, 306 Mich App 713, 732-733; 858 NW2d 143 (2014); MCL 712A.19b(5). "[T]he focus at the best-interest stage has always been on the child, not the parent." *In re Payne/Pumphrey/Fortson Minors*, 311 Mich App 49, 63; 874 NW2d 205 (2015) (quotation marks and citation omitted, alteration in original). "Best interests are determined on the basis of the preponderance of the evidence." *LaFrance*, 306 Mich App at 733. Considerations of the best interests of the child include:

> [T]he child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home. The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption. [*White*, 303 Mich App at 713-714 (quotation marks, footnotes, and citations omitted).]

The trial court may also consider the best-interests factors in MCL 722.23. *In re Medina*, 317 Mich App 219, 238; 894 NW2d 653 (2016). These factors include:

> (a) The love, affection, and other emotional ties existing between the parties involved and the child.
>
> (b) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.

[3] We note respondent also argues on appeal that the trial court was incorrect when it determined there were no services available to protect the children. Respondent argues there was no evidence that she was unable or unwilling to follow CPS directives or be taught, highlighting that she never allowed Boglarsky to return once he was removed from her home. That respondent did not allow Boglarsky back in her home once he was safety-planned out does not lend itself to the notion she could be taught to prevent abuse in the future. True, respondent did not act against CPS by actively bringing Boglarsky back into her home, but this does nothing more than demonstrate that respondent knew not to do so once he was caught. Respondent ignored the concerns of numerous witnesses and lied to investigators to protect Boglarsky. Respondent repeatedly demonstrated that she knew right from wrong in this case at the outset, but chose to act against her children's interests. The trial court did not err by determining no services could be put in place to protect the children.

(c) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.

(d) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.

(e) The permanence, as a family unit, of the existing or proposed custodial home or homes.

(f) The moral fitness of the parties involved.

(g) The mental and physical health of the parties involved.

(h) The home, school, and community record of the child.

(*i*) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.

(j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents. A court may not consider negatively for the purposes of this factor any reasonable action taken by a parent to protect a child or that parent from sexual assault or domestic violence by the child's other parent.

(k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.

(*l*) Any other factor considered by the court to be relevant to a particular child custody dispute. [MCL 722.23.]

"The trial court should weigh all the evidence available to determine the child[]'s best interests." *White*, 303 Mich App at 713.

Respondent argues the trial court first erred by determining that, although she had a bond with the children, it was unhealthy. Respondent contends there is no evidence suggesting their bond was unhealthy, but this argument lacks merit. Not only did respondent willingly ignore her 13-year-old daughter, and possibly her 12-year-old daughter, being molested by an unrelated adult man living in her home, but she lied to authorities about the underlying facts of the abuse to protect herself. There was also testimony that respondent's punishments for the children were strange and wildly disproportionate, and that respondent clearly favored KM over KD. There is no doubt the children loved respondent. They were visibly distressed when they were removed, and asked to be returned to her care early in the proceedings. However, respondent allowed for them to be abused, and raised them in such a way that they did not even know they were being abused until others explained the situation. Despite knowing what rape is, KM specifically did not recognize she herself was raped until it was later explained to her, and not by respondent. The children's

reliance on respondent, and respondent's failure to protect them from, and prepare them for, the world, demonstrates that their bond was indeed unhealthy.

Respondent argues the trial court erroneously concluded she could not properly guide the children, citing the fact that she homeschooled them, enrolled them in extracurriculars, and taught them responsibility through chores and cleaning. Respondent appears to believe the only fact that can be attributed to her inability to guide the children was her failure to realize the sexual abuse was happening, and the above factors outweigh that issue, but this is incorrect. First, respondent says she homeschooled the children, but the record indicates there were times the children were not being taught at all, and that they both had some form of unaddressed cognitive delay or learning difficulty. Indeed, respondent did not truly appreciate the extent of the children's delays, despite them being formally tested. Respondent could not cite to a specific homeschooling learning plan, online or otherwise, and essentially admitted to teaching the children ad hoc with whatever books she managed to find online. Furthermore, respondent's reason for homeschooling the children, in light of the facts of this case, is mind boggling. Respondent alleged she homeschooled the children because she did not trust others, as if she did not allow their rapist to continue living with them even after finding out he impregnated her child. The record clearly demonstrates that, at least in terms of schooling, respondent was patently unable to teach and guide the children.

Second, respondent cites the children's extracurriculars. But, that respondent let her children participate in some extracurriculars hardly negates all her other failings. Third, respondent claims she taught the children responsibility by having them do chores and cooking. The testimony is confusing and sometimes conflicting about which chores the children did. Respondent seemed to imply in her interview that the children did not do any chores, which was how her house ended up in such a dilapidated state. By contrast, it appeared to caseworkers that the children were distressed about leaving the animals because they seemed to be the only ones taking care of any of them. The children's older sister, for whom respondent was not legally responsible, also testified that the children were essentially solely responsible for cleaning the home and caring for themselves, and even turned into respondent's caregivers when she became ill. Regardless of whether the children did all the chores or none of them, neither circumstance lends support to respondent's claim that she was effectively guiding the children. Respondent said she taught the children to cook, but also testified she would have the children bring the food to her and she would cook it while in the living room. The reasons specifically cited by respondent are a far cry from conclusive evidence that she was properly providing the children with guidance, and the evidence she fails to mention—such as, again, the fact that she allowed them to be molested and that they did not even recognize they had been abused—further demonstrates that respondent failed to provide proper guidance to the children.

Respondent also challenges the trial court's finding that she was morally unfit because she was unaware of the abuse. Respondent again argues that the trial court unfairly held her to "a higher standard than every other adult who had a suspicion but did not call the police[,]" as well as "the police themselves who were notified about the same information[.]" Again, respondent was the children's mother. She was not a family friend. She was not a cousin or sibling. She was not a fellow churchgoer. That respondent thinks she should not be held to a higher standard, as the person legally responsible for protecting these children, merely evidences her inability to be an effective and adequate parent for them.

Respondent argues there was no evidence she could not provide food, clothing, or medical care for the children, but the trial court reasoned the same. This factor, alone, is far from enough to outweigh all of respondent's other failings. Respondent also challenges the trial court's reasoning that she had mental health problems. We agree that the trial court's reasoning was inappropriate here. The trial court opined respondent's willful ignorance of her children's abuse was demonstrative of her mental health concerns, but there was no evidence respondent had any mental health issues in the record. However, this reasoning was brief, and far from the only thing the trial court considered. Respondent's numerous other failings were more than sufficient to find termination was in the children's best interests. Therefore, this small error was harmless. Respondent next contends that, while rape is domestic violence, the trial court failed to indicate why this finding supported termination. Respondent again contends she did not know about the abuse, meaning this should not be used against her. However, as discussed ad nauseum at this point, the record clearly demonstrates respondent knew or should have known the abuse was occurring, and that, even when she did conclusively know, she failed to protect her children.

Respondent also argues the trial court erred by determining her home was similarly permanent to the home of the children's father, because the children had not seen their father in a long time, and had lived with respondent in her home for years. However, the concern is more than just permanency under MCL 722.23(e); it is permanency, stability, and finality. *White*, 303 Mich App at 713-714. While it is true the children lived with respondent for a long time, it is just as true that they were neglected and sexually abused under her care. Respondent's home was a source of continuous trauma for the children, while their father quickly worked to get a suitable home for them. Their father's home also did not house their abuser, nor was it so filthy and cluttered that it posed a serious safety risk. Respondent's home being the children's long-term home is not the same as it being sufficient to provide them with permanency, stability, and finality. Respondent's repeated failures to protect the children and maintain an adequate home for them supports the trial court's analysis.[4]

Respondent also contends the trial court impermissibly considered the children as being similarly situated, despite its obligation to consider each child individually. Respondent contends the children were different because they had different levels of cognitive delay, there was only evidence KM was sexually abused, not KD, and KM was pregnant while KD was not. First, considering the children's respective cognitive delays, it is evident from the record that both children were, to some extent, behind in school. Respondent claimed to have homeschooled both of them, and both of them were kept out of public school, and sometimes not schooled at all. The fact that one child's delay may be more significant than the other's does not necessarily render

[4] Respondent briefly contends the trial court focused on her failings instead of the children themselves. It goes without saying, however, that consideration of respondent's failings directly concerns the children themselves, and whether they would be safe if returned to respondent's care. Considering the children in a vacuum without considering respondent's failings is illogical. The children only came into care because respondent failed them, and the children could only be returned to respondent if a determination could be made that her failures were not so damaging to warrant termination or that they had been rectified.

them differently situated. Respondent neglected both of their educations, indiscriminately. Concerning the sexual abuse, while KD denied being sexually assaulted, she did report that Boglarsky touched her inappropriately, and that respondent kicked him out but then let him back in the home because she "forgave him[.]" Just because KD may not have had sexual intercourse with Boglarsky *yet*, which remains unclear given the evidence in the record, this does not mean respondent did not fail to protect her from his predatory advances. It is for this same reason that the fact KD was not pregnant while KM was does not render them differently situated.[5]

Respondent next contends the trial court erred by determining there were no reasonable alternatives to termination because the children were placed with their father, a relative.

> Although the trial court may terminate parental rights in lieu of placement with relatives if it finds that termination is in the child's best interests, the fact that the children are in the care of a relative at the time of the termination hearing is an "explicit factor to consider in determining whether termination was in the children's best interests[.]" [*In re Olive/Metts Minors*, 297 Mich App 35, 43; 823 NW2d 144 (2012).]

Respondent does not argue the trial court failed to consider alternatives, only that its conclusion was erroneous. Respondent contends the trial court could have adequately protected the children with a custody order, such as by ordering all contact be supervised, virtual, or even therapeutic. However, the trial court reasoned respondent's conduct was so egregious that the children needed to move on without being concerned about whether she would come back into their lives. The trial court believed "even the possibility of a parental relationship at this time or some time in the future would cause these girls, at the bare minimum, mental harm. They absolutely need[ed] to know that [respondent] is not . . . their mother and will never be one again." Under the deferential clear-error standard of review, there is no evidence the trial court's reasoning is clearly mistaken. Respondent's presence in the children's lives has been harmful for years. The fact that respondent not only allowed one or both of her children to be sexually assaulted, and protected their abuser instead of them, but also did everything in her power to blame any and everyone else for her own failings, demonstrates that the children will be harmed if they have any continued interactions with

[5] We also note that "a parent's treatment of one child is probative of how that parent may treat other children." *In re Kellogg*, 331 Mich App 249, 259; 952 NW2d 544 (2020). This reasoning, recognized under the doctrine of anticipatory neglect, suggests that respondent's treatment of KM, i.e., allowing her to be sexually abused despite clear warning signs, is likely to extend to KD should she be sexually abused in the future. While "the probative value of such an inference is decreased by differences between the children, such as age and medical conditions[,]" *id*., KD is only one year younger than KM, and there were already concerns about Boglarsky touching her inappropriately. Even if Boglarsky did not have sexual intercourse with KD, which remains up for debate, respondent's failure to protect KM is probative of how she would fail to protect KD in the future should a similar situation arise.

her. The children need time to heal and move on, for which respondent's presence in their lives will be a clear detriment.[6]

Affirmed.

/s/ Thomas C. Cameron
/s/ Noah P. Hood
/s/ Adrienne N. Young

[6] Respondent also argues the trial court erred by not taking the children's wishes into account when it terminated her parental rights. Respondent contends the children were old enough to express their preferences, and stated they wanted to see her early on in the case. However, respondent fails to cite any authority for her argument. Respondent cites MCL 700.5204, which allows a minor over the age of 14 to "petition for the appointment of a guardian" for themselves. However, this statute concerns guardianship, not a trial court's best interests determination. Respondent cites "MCL 712.43(g)," but likely means MCL 712.43(2), which requires a that a child over 14 years old must consent before they can be adopted. Again, this concerns adoption, not termination. Lastly, respondent cites to MCL 722.23, which requires consideration of the child's reasonable preference "if the court considers the child to be of significant age to express preference[,]" MCL 722.23(7), in the Child Custody Act of 1970, MCL 722.21 *et seq*. However, while such a consideration is mandatory in *custody* matters, these factors are only *optional* considerations in termination of parental rights cases. *Medina*, 317 Mich App at 238. Because respondent has failed to provide any applicable caselaw or statute in support of her argument, this argument is abandoned. *Houghton ex rel Johnson v Keller*, 256 Mich App 336, 339-340; 662 NW2d 854 (2003) ("An appellant's failure to properly address the merits of [their] assertion of error constitutes abandonment of the issue.").