

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

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In the Matter of DONTRELL SWANS and  
CRYSTAL SWANS, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GEORGE FREEMAN,

Respondent-Appellant,

and

BRENDA SWANS,

Respondent.

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UNPUBLISHED  
September 3, 1999

No. 216427  
Ottawa Circuit Court  
Family Division  
LC No. 97-000209 NA

Before: Markman P.J., and Saad and P. D. Houk\*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The failure to file the petition for termination within forty-two days of a dispositional review hearing or permanency planning hearing as required by MCR 5.974(F)(1)(a) did not divest the trial court of subject-matter jurisdiction in this case, nor did it deprive respondent-appellant of due process of law. *In re Kirkwood*, 187 Mich App 542, 545-46; 468 NW2d 280 (1991). Moreover, we find no

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\* Circuit judge, sitting on the Court of Appeals by assignment.

merit to respondent-appellant's claim that he did not have a sufficient opportunity to provide proper care and custody for the children.

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk