

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.B. and S. B., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIE BAKER,

Respondent-Appellant,

and

WILLIAM HOLM,

Respondent.

In the Matter of S. B. and S. B., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM HOLM,

Respondent-Appellant,

and

JULIE BAKER,

Respondent.

UNPUBLISHED

April 19, 2002

No. 235811

Marquette Circuit Court

Family Division

LC No. 00-006823-NA

No. 236038

Marquette Circuit Court

Family Division

LC No. 00-006823-NA

Before: Gage, P.J., and Griffin and G. S. Buth*, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor children. The court terminated the parental rights of respondent mother, Julie Baker, pursuant to MCL 712A.19b(3)(c)(i) and (g) and terminated the parental rights of respondent father, William Holm, pursuant to MCL 712A.19b(3)(c)(i) and (h). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court's failure to issue its decision within seventy days of the termination hearing, as prescribed by MCR 5.974(G)(1), does not require reversal. Such a remedy is inconsistent with the express language of MCL 712A.19b(1), which provides that "the court's failure to issue an opinion within 70 days does not dismiss the petition." Further, absent any sanction prescribed in the court rule, the failure to follow the rule's time requirement does not warrant reversal of the termination order. *In re Jackson*, 199 Mich App 22, 28-29; 501 NW2d 182 (1993); *In re Kirkwood*, 187 Mich App 542, 545-546; 468 NW2d 280 (1991).

We review for clear error the trial court's decision whether a statutory ground for termination was proven by clear and convincing evidence and its decision regarding a child's best interests. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We conclude that the trial court did not clearly err in finding that the statutory grounds for termination of respondents' parental rights were established by clear and convincing evidence and that termination was not contrary to the children's best interests.

Finally, we find that, because respondent father failed to timely raise his claim that petitioner did not provide him adequate services for reunification with the children, this issue was forfeited. *In re Terry*, 240 Mich App 14, 27; 610 NW2d 563 (2000). Moreover, the record does not support his claim that he tried to place the children in a proper custodial environment prior to his incarceration.

Affirmed.

/s/ Hilda R. Gage
/s/ Richard Allen Griffin
/s/ George S. Buth

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