

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BOBBIE KAYANN JENKS,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellant,

v

JODI LYNN GILBERT and DEREK JENKS,

Respondents-Appellees.

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UNPUBLISHED

July 20, 2004

No. 254309

Ingham Circuit Court

Family Division

LC No. 03-003140-NA

Before: Bandstra, P.J., and Fitzgerald and Hoekstra, JJ.

MEMORANDUM.

Petitioner appeals by leave granted the March 8, 2004, order allowing respondents to have parenting time with the minor child while proceedings on an amended petition to terminate their parental rights were pending.<sup>1</sup> We dismiss the appeal as moot.

“A case is moot when it presents only abstract questions of law that do not rest upon existing facts or rights.” *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998). “An issue is deemed moot when an event occurs that renders it impossible for a reviewing court to grant relief.” *Id.*

Here, petitioner argues that the trial court issued its order allowing parenting time in contravention of MCL 712A.19b(4) and MCR 3.977(D), which provide that a trial court may allow parenting time after a petition to terminate parental rights is filed only if the parent establishes, and the trial court determines, that parenting time will not harm the child. After petitioner filed its appeal brief, however, an order was entered on April 16, 2004, providing that the request to terminate respondents’ parental rights has been withdrawn. Because there is no longer a pending request to terminate respondents’ parental rights to the minor child, the basis

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<sup>1</sup> This Court’s order granting leave to appeal stayed visitation “pending further order of this Court or until such time as the visitation issue becomes moot.”

for petitioner's argument that parenting time should not be allowed no longer exists. We therefore dismiss this appeal as moot.

Dismissed.

/s/ Richard A. Bandstra  
/s/ E. Thomas Fitzgerald  
/s/ Joel P. Hoekstra