STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
April 10, 2012

In the Matter of WILLIAMS/
THOMAS/ROYSTER/JOHNSON/CUFF, Minors.

No. 303840
Macomb Circuit Court
Family Division
LC No. 2010-000331-NA

Before: WILDER, P.J., and O'CONNELL and WHITBECK, JJ.

PER CURIAM.

Respondent appeals as of right from an order terminating her parental rights to the children under MCL 712A.19b(3)(g) and (j). We affirm.

Respondent first argues that she is entitled to reversal because the court erred in failing to issue an opinion or order on the petition to terminate parental rights within 70 days of the commencement of the initial hearing on the petition. We agree that the court violated MCL 712A.19b(1) and MCR 3.977(I) by failing to issue an opinion or order regarding the petition to terminate parental rights within 70 days of the commencement of the initial hearing on the petition. However, neither the statute nor the court rule provides a remedy for violation of the 70-day rule. Where respondent has not shown that the error was "inconsistent with substantial justice," MCR 2.613(A); MCR 3.902(A), we find that the error was harmless. *In re TC,* 251 Mich App 368; 650 NW2d 698 (2002).

Respondent next argues that she is entitled to reversal because the trial court erred in taking judicial notice of her temper issues. Respondent waived this issue for appeal by assenting to the trial court's decision to take judicial notice of the temper issues. *People v Carter,* 462 Mich 206, 215; 612 NW2d 144 (2000). We note, however, that any error in the trial court's decision to take judicial notice of the temper issues would have been harmless in light of the overwhelming evidence supporting the termination of respondent's parental rights. MCR 2.613(A); MCR 3.902(A). There was ample evidence that respondent failed to adequately supervise her children, resulting in serious and permanent harm, including the pregnancies of two of her daughters at the ages of 15 and 13 and the neglectful death of the younger daughter's infant.

Finally, respondent argues that the trial court erred by admitting Dr. Ryan's testimony regarding his November 15, 2010, psychological evaluation of her. We disagree. A trial court's decision regarding the admission of evidence is reviewed for an abuse of discretion. *In re*

Utrera, 281 Mich App 1, 15; 761 NW2d 253 (2008). An abuse of discretion occurs when the trial court chooses an outcome that falls "outside the range of principled outcomes." *Id.*

Respondent argues that, where petitioner sought termination in the initial petition, Dr. Ryan's testimony regarding the November 15, 2010 evaluation was inadmissible because petitioner's only reason for requesting an evaluation after the adjudication was to use the results against her at trial. Respondent's argument goes to the weight to be given the evidence, however, not its admissibility. Respondent has not cited any legal authority prohibiting the admission of evidence of circumstances that occur after adjudication. Therefore, respondent has not shown that the trial court abused its discretion in admitting the challenged evidence. Furthermore, having reviewed the evidence supporting the termination of respondent's parental rights, we find that any error in the admission of the testimony was harmless. MCR 2.613(A); MCR 3.902(A).

Afffirmed.

/s/ Kurtis T. Wilder
/s/ Peter D. O'Connell
/s/ William C. Whitbeck