

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CODY ALLEN HAGER and
STEPHENI MICHELLE HAGER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VIRGINIA CASE KINNEY,

Respondent-Appellant,

and

DAVID HAGER,

Respondent.

UNPUBLISHED

October 3, 2000

No. 225922

Van Buren Circuit Court

Family Division

LC No. 98-011599

Before: McDonald, P.J., and Sawyer and White, JJ.

MEMORANDUM.

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

The family court's failure to issue its decision within seventy days of the termination hearing, as prescribed by MCR 5.974(G)(1) and MCL 712A.19b(1); MSA 27.3178(598.19b)(1), does not require reversal. Such a remedy is inconsistent with the express language of MCL 712A.19b(1); MSA 27.3178(598.19b)(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. Cf. *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). See also *In re Longworth v Hwy Dep't*, 110 Mich App 771, 778; 315 NW2d

135 (1981) (failure to comply with a court rule does not require reversal where no party is prejudiced and where the error is not so offensive to the maintenance of a sound judicial process that it can never be regarded as harmless). Although respondent-appellant argues that she should minimally be entitled to a rehearing, she never moved for rehearing in the trial court as permitted by MCR 5.992. Accordingly, we find no merit to this issue.

The record discloses that the trial court properly made findings of fact regarding the children's best interests, MCR 5.974(G), and our review of the record discloses no clear error in this determination. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 354; 603 NW2d 787 (2000).

Affirmed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Helene N. White