

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSEPH PREVOST and
KATHLEEN PREVOST, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

and

SAULT STE. MARIE TRIBE OF CHIPPEWA
INDIANS,

Intervening-Appellee,

v

JACQUELINE G. TEEPLE,

Respondent-Appellant,

and

JOSEPH PREVOST, SR.,

Respondent.

UNPUBLISHED

January 25, 2002

No. 234101

Chippewa Circuit Court

Family Division

LC No. 99-012261-NA

Before: Sawyer, P.J., and O'Connell and Zahra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the January 24, 2001, order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g) and (j). We affirm. We decide this case without oral argument pursuant to MCR 7.214(E)(1)(b).

Respondent-appellant argues that the trial court erred in denying her second motion for an adjournment. We disagree. We review a trial court's decision to grant or deny an adjournment for an abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993).

We agree with petitioner-appellee that respondent-appellant's appeal is moot. Respondent-appellant's purpose in seeking the adjournment was to enroll her children in the Bay Mills Indian Community so that the Community could have her case transferred to a tribal court pursuant to 25 USC 1911(b). This effort became futile when the Community and the Sault Ste. Marie Tribe of Chippewa Indians both withdrew their petitions for transfer. Indeed, the trial court had been prepared to grant respondent-appellant's requested relief and transfer the case before the two tribes withdrew their petitions. Accordingly, the relief respondent-appellant sought is no longer available.

In any event, we find nothing in either the federal Indian Child Welfare Act, 25 USC 1901 *et seq.* or MCR 5.980 that entitles respondent-appellant to an adjournment in these circumstances. Nor do we find that the trial court abused its discretion in denying the motion. The trial court declined to give respondent-appellant a second chance because she had already failed to effect the enrollment and there was too much uncertainty surrounding the outcome of her efforts. Under these circumstances, the trial court did not abuse its discretion or thwart the goals of the ICWA by denying the motion.

Affirmed.

/s/ David H. Sawyer
/s/ Peter D. O'Connell
/s/ Brian K. Zahra