

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of S.B., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSEANNE YOST,

Respondent-Appellant,

and

DAVID YOST,

Respondent.

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In the Matter of J.B., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSEANNE YOST,

Respondent-Appellant,

and

DAVID YOST,

Respondent.

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UNPUBLISHED

July 2, 2002

No. 236288

Oscoda Circuit Court

Family Division

LC No. 01-000153-NA

No. 236289

Oscoda Circuit Court

Family Division

LC No. 01-000154-NA

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In the Matter of M.Y., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID H. YOST and ROSEANNE M. YOST,

Respondents-Appellants.

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No. 236290  
Oscoda Circuit Court  
Family Division  
LC No. 01-000155-NA

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In the Matter of A.Y., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID H. YOST and ROSEANNE M. YOST,

Respondents-Appellants.

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No. 236291  
Oscoda Circuit Court  
Family Division  
LC No. 01-000156-NA

Before: Fitzgerald, P.J., and Holbrook, Jr., and Doctoroff, JJ.

MEMORANDUM.

In these consolidated appeals, respondents-appellants appeal as of right the August 3, 2001 orders terminating their parental rights to the minor children. Respondents-appellants' parental rights were terminated pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g) and (i). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Respondents-appellants raise several procedural issues, none of which has merit. They contend that the termination order must be reversed because the trial court failed to hold the adjudicative trial and termination hearing within the time requirements of MCR 5.972(A) and MCR 5.973(A)(2), respectively. They also contend that the termination order is erroneous because petitioner-appellee failed to file a case service plan as required by MCL 712A.18f. Respondents-appellants' argument concerning the adjudicative trial is not properly before this Court because it is, in substance, an improper collateral attack on the trial court's jurisdiction in an appeal of the order terminating their parental rights. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993); *In re Bechard*, 211 Mich App 155, 159-160; 535 NW2d 220 (1995).

Furthermore, all of these arguments are meritless. None of the procedural statutes or court rules that respondents-appellants invoke provides a sanction for petitioner-appellee's noncompliance, so this Court will decline to impose its own sanction for the alleged procedural defects. *In re Prater*, 189 Mich App 330, 333; 471 NW2d 659 (1991); *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991).

Respondents-appellants also contend that the trial court violated MCR 5.912(A)(2) when the same trial judge presided at both the preliminary inquiry and the adjudicative trial. MCR 5.912(A)(2), however, applies to designated hearings in delinquency matters, and has no bearing on a child protective proceeding.

Finally, respondents-appellants argue that the trial court improperly read the entire petition to the jury without specifically stating that respondents-appellants denied the allegations. This issue is an improper collateral attack on the trial court's jurisdiction. *Hatcher, supra* 443 Mich 444. Furthermore, the issue lacks substantive merit. This Court reviews jury instructions in their entirety to determine if the trial court made an error that requires reversal. *People v Katt*, 248 Mich App 282, 310; 639 NW2d 815 (2002). We review claims of improper judicial statements to determine if the trial court's conduct was impartial or if it could have influenced the jury to the detriment of the party's case. *People v Cheeks*, 216 Mich App 470, 480-481; 549 NW2d 584 (1996). We find no error here. The trial court clearly instructed the jury that it was the factfinder in the case and that petitioner-appellee bore the burden of proving the allegations. The jury could not have inferred from these instructions that respondents-appellants were not contesting the allegations.

Affirmed.

E. Thomas Fitzgerald  
Donald E. Holbrook, Jr.  
Martin M. Doctoroff