

Court of Appeals, State of Michigan

ORDER

In re JMR Minor

Docket No. 305515

LC No. 2010-000509-AN

Donald S. Owens
Presiding Judge

Peter D. O'Connell

Michael J. Kelly
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED. Contrary to petitioners-appellees' argument, MCR 7.204(A)(1)(c) is inapplicable because appellant's parental rights were terminated under the Adoption Code, not the Juvenile Code. Further, appellant provided the \$375 entry fee within 21 days after receiving notice from the Clerk's Office of this Court of the need for that item as allowed by MCR 7.201(B)(3). Accordingly, the failure to provide the entry fee within the time generally provided for by MCR 7.204(B)(2) is immaterial to this Court's jurisdiction because MCR 7.201(B)(3) operates as a proviso to MCR 7.204(B)(2) with regard to the time for providing an entry fee. Finally, appellant's incorrect reference in the claim of appeal to the July 14, 2011 order denying his motion for rehearing, rather than the May 23, 2011 order terminating his parental rights, as the order appealed from does not warrant dismissing this appeal where the claim of appeal was timely filed as to the May 23, 2011 order. MCR 7.204(A)(1)(b). MCR 7.204(B)(1) requires the filing of a claim of appeal within the time for taking an appeal of right to vest this Court with jurisdiction. It does not require the claim of appeal to correctly designate the date of the order appealed from.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 07 2011

Date


Chief Clerk