

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RACHEL STALLARD and KATIE
STALLARD, Minors

UNPUBLISHED
April 14, 1998

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL STALLARD,

Respondent-Appellant,

No. 205333
Washtenaw Juvenile Court
LC No. 95-023828-NA

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

PER CURIAM.

Respondent appeals as of right from the juvenile court order terminating his parental rights to the minor children under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.

Respondent first contends that the juvenile court erred when it failed to hold the dispositional hearing within the time limits set by MCR 5.973(A)(2) and MCR 5.974(F)(1)(b).¹ We disagree. First, the issue has not been preserved for appeal because it was neither raised nor decided below, *McCready v Hoffius*, 222 Mich App 210, 218; 564 NW2d 493 (1997), and because respondent failed to cite any authority in support of his position. *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995). Second, the court has discretion to extend the time period beyond the twenty-one days authorized under MCR 5.974(F)(1)(b), *In re King*, 186 Mich App 458, 462; 465 NW2d 1 (1990), and respondent has not shown that the court abused its discretion in adjourning the dispositional hearing or that he was prejudiced by the delay. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993). Respondent's claim that the delay resulted in a violation of his due process rights is likewise without merit because the failure to hold the dispositional hearing within the time limits set by the court rule does not affect the jurisdiction of the court, *In re Prater*, 189 Mich App 330, 333; 471 NW2d

* Circuit judge, sitting on the Court of Appeals by assignment.

658 (1991), and respondent was afforded notice of the proceedings and a right to be heard before his rights were terminated. *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991).

Respondent next contends that the juvenile court erred in calculating the two-year period necessary for termination of parental rights under MCL 712A.19b(3)(h); MSA 27.3178(598.19b)(3)(h). Any such error was harmless because the court did not expressly find that termination of parental rights was warranted under subsection (3)(h), but instead found termination warranted under subsection (3)(g). *In re Perry*, 193 Mich App 648, 651; 484 NW2d 768 (1992). The evidence presented clearly supported termination of respondent's rights under subsection (3)(g). *In re Systma*, 197 Mich App 453, 457; 495 NW2d 804 (1992).

Finally, respondent contends that the juvenile court erred in failing to find that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5). Respondent has failed to preserve this issue for appeal by failing to cite any authority in support of his position that the court did not consider the proper evidence in assessing the children's best interests. *Powers, supra*. Given the lack of evidence showing that respondent could be a proper parent to the children, the court's decision to terminate his parental rights was not clearly erroneous. *In re Hall-Smith*, 222 Mich App 470; 564 NW2d 156 (1997).

Affirmed.

/s/ Michael J. Kelly
/s/ E. Thomas Fitzgerald
/s/ Michael G. Harrison*

¹ It is unclear which rule respondent relies upon because he cited the former but quoted the latter.