

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESICA KOK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LISA KOK,

Respondent-Appellant,

and

MARK KOK,

Respondent.

UNPUBLISHED

July 23, 1999

No. 211720

Kent Circuit Court

Family Division

LC No. 95-000398 NA

In the Matter of MICHAEL KIDD, BRITTANY
KOK and JESICA KOK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARK KOK,

Respondent-Appellant,

and

KIMBERLEE KIDD and LISA KOK,

No. 212078

Kent Circuit Court

Family Division

LC Nos. 95-000397 NA;

95-000398 NA

Respondents.

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

PER CURIAM.

In these consolidated appeals, respondents Lisa Kok and Mark Kok appeal as of right from a family court order terminating their parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii) and (g); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Both respondents contend that the trial court erred in refusing to grant their request for a jury trial at the adjudicatory stage. We disagree.

A party is entitled to a jury trial only at the adjudicative phase of child protective proceedings. *In re Brock*, 442 Mich 101, 108; 499 NW2d 752 (1993). Under MCR 5.911, a party may file a written demand for a jury trial within (1) fourteen days after the court gives notice of the right to a jury trial, or (2) fourteen days after the filing of appearance of counsel, whichever is later, but no later than seven days before trial. The court may also excuse a late filing in the interest of justice. The court's decision whether to grant an untimely request for a jury trial is reviewed for an abuse of discretion. *In re Hubel*, 148 Mich App 696, 700; 384 NW2d 849 (1986).

In this case, the court informed respondents of their right to a jury trial on April 4, 1997, but they did not file their demand for a jury until June 1997, after the trial had already begun. Respondents' request for a jury trial was untimely under MCR 5.911 and, under the circumstances, the trial court did not abuse its discretion in denying their untimely request.

Next, the family court did not clearly err in finding that §§ 19b(3)(b)(ii) and (g) were established by clear and convincing evidence with respect to respondent Mark Kok. *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). Similarly, the court did not clearly err in finding that §§ 19b(3)(b)(i) and (g) were established by clear and convincing evidence with respect to respondent Lisa Kok. *In re Hall-Smith, supra*; see also *In re Powers*, 208 Mich App 582, 588-589; 528 NW2d 799 (1995). Further, respondent Lisa Kok failed to show that termination of her parental rights to Jessica was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith, supra*, at 472-473. Thus, the family court did not err in terminating respondents' parental rights to the children. *Id.*

Affirmed.

/s/ David H. Sawyer
/s/ Donald E. Holbrook, Jr.
/s/ William E. Collette

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