

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRENNAN MICHAEL
DENNEY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMY HALL,

Respondent-Appellant,

and

NICHOLAS ROSEART, a/k/a NICHOLAS
ROZARK,

Respondent.

UNPUBLISHED
October 21, 2003

No. 247470
Ogemaw Circuit Court
Family Division
LC No. 01-011864-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Respondent Hall appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent first contends that the trial court violated her due process rights when it failed to comply with MCR 5.974(F)(1). This issue was not raised and addressed below and thus has not been preserved for appeal. *Camden v Kaufman*, 240 Mich App 389, 400 n 2; 613 NW2d 335 (2000). Respondent must therefore establish plain error affecting her substantial rights. *Kern v Blethen-Coluni*, 240 Mich App 333, 336; 612 NW2d 838 (2000).

Any error in this case does not require reversal because the court rule does not provide sanctions for its violation. *In re Jackson*, 199 Mich App 22, 28-29; 501 NW2d 182 (1993). In addition, the court held a hearing on the supplemental petition and respondent availed herself of the opportunity to testify and present other evidence before her parental rights were terminated. Therefore, her due process rights were not violated. *In re Kirkwood*, 187 Mich App 542, 545-546; 468 NW2d 280 (1991).

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The evidence showed that respondent waited six months to make a good-faith effort to comply with the treatment plan and did not make significant progress thereafter. Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo, supra* at 356-357.

Petitioner was not required to prove that respondent would neglect her child for the long-term future as held in *Fritts v Krugh*, 354 Mich. 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich. 426, 444; 505 NW2d 834 (1993). That case predates the enactment of section 19b(3) which sets forth the criteria for termination.

Affirmed.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Stephen L. Borrello