

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AUDREY KELLY, MICHAEL
ROGERS and CODY SCHNURER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE SCHNURER,

Respondent-Appellant.

UNPUBLISHED

June 20, 1997

No. 198927

Chippewa Probate Court

LC No. 95-011568-NA

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

Respondent appeals as of right from the probate court order terminating her parental rights to the minor children under 25 USC 1912(d) and (f) and MCL 712A.19b(3)(b)(i), (b)(ii), (g) and (j); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii), (g) and (j). We affirm.

The probate court did not abuse its discretion in denying respondent's motion for a mistrial. *Schutte v Celotex Corp*, 196 Mich App 135, 142; 492 NW2d 773 (1992). Further, the court did not clearly err in finding beyond a reasonable doubt that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts were unsuccessful. 25 USC 1912(d); MCR 5.974(I); *In re Morgan*, 140 Mich App 594, 604; 364 NW2d 754 (1985).

Affirmed.

/s/ Hilda R. Gage

/s/ Maureen Pulte Reilly

/s/ Joel P. Hoekstra