

STATE OF MICHIGAN
COURT OF APPEALS

CONSTANCE LaPRATT a/k/a
CONSTANCE VAN-Y,

Plaintiff-Appellant,

v

GREGORY WANE LaPRATT,

Defendant-Appellee.

UNPUBLISHED
January 7, 1997

No. 195640

Tuscola Circuit Court
LC No. 88-008913-DM

Before: Fitzgerald, P.J., and Holbrook, Jr., and E.R. Post,* JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order that adopted a Friend of the Court referee's findings of fact and recommendation that custody of the parties' minor child, Dustin LaPratt, be transferred from plaintiff to defendant. We affirm.

Plaintiff's in propria persona challenge to the FOC referee's findings of fact and custody recommendation tracked the language of the FOC's notice of right to appeal by requesting that "a De Novo Hearing be conducted by a review of the transcript of the Referee hearings." The circuit court adopted the FOC referee's findings and recommendation after conducting de novo review of the FOC hearing transcripts. On appeal, plaintiff now argues that the circuit court should have conducted a new evidentiary hearing and made a decision as if the FOC hearing had not been held. We disagree. The circuit court conducted the de novo review that plaintiff specifically requested. Accordingly, she cannot be heard to complain now that the review was inadequate.

Plaintiff further alleges that the circuit court failed to make specific findings on the record regarding the decision to change custody. We disagree. In adopting the FOC referee's findings, the circuit court adopted specific findings regarding the best interests of the child, whether a custodial

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

environment had been established, and whether defendant met his burden of proof. We conclude that the court's findings were sufficient to afford review, and were not clearly erroneous.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Donald E. Holbrook, Jr.

/s/ Edward R. Post