

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In re Alanna Carrin Chambers, Minor.

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PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellant,

v

ALANNA CARRIN CHAMBERS,

Respondent-Appellee.

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UNPUBLISHED

September 29, 2000

No. 223128

Wayne Circuit Court

Family Division

LC No. 96-344069

Before: McDonald, P.J., and Sawyer and White, JJ.

PER CURIAM.

Petitioner appeals as of right from the family court's orders adopting the referee's recommendations and terminating respondent's wardship. We vacate the family court's orders and remand for further proceedings. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent, a ward of the court, was charged as a juvenile with felonious assault, MCL 750.82; MSA 28.277. A pre-trial hearing was scheduled before Referee LeBost. Respondent's counsel asserted that the matter should be heard by Chief Referee Doetsch, who had acted in a truancy matter involving respondent. Referee LeBost found that the case was properly before her, and accepted respondent's plea to a lesser charge. She recommended that respondent be placed in a secure facility. Judge Lacey of the Family Division of Wayne Circuit Court reviewed the recommendation, and remanded the matter to Referee LeBost for clarification. Referee LeBost reviewed the file, and again recommended that respondent be placed in a secure facility. Respondent's counsel and mother consulted Chief Referee Doetsch, who changed Referee LeBost's recommendation, and recommended that respondent be released to her mother and that her wardship be terminated. The family court adopted Chief Referee Doetsch's recommendations.

In a juvenile matter which requires a hearing and the taking of testimony, a referee in the family division of circuit court is required to summarize the testimony taken and to make a recommendation

regarding disposition for the court. MCL 712A.10(1); MSA 27.3178(598.10)(1). A party who objects to a referee's recommendation may seek a review of that recommendation before a judge of the family division of circuit court. MCR 5.991.

Petitioner argues that the family court's orders adopting the recommendations of Chief Referee Doetsch should be vacated. We agree, vacate the orders, and remand with instructions that the recommendations of Referee LeBost be reinstated. No statute, court rule, or case required that the matter be placed before Chief Referee Doetsch in all instances. Referee LeBost clarified her previous findings and set forth recommendations as required by MCL 712A.10(1); MSA 27.3178(598.10)(1), and the remand order. No authority supports Chief Referee Doetsch's assertion that the chief referee has the power to change any recommendation made by any other referee prior to the recommendation being reviewed by a judge of the family court. The recommendations adopted by the family court were not made pursuant to the procedure outlined in MCL 712A.10(1); MSA 27.3178(598.10)(1); therefore, the family court erred by adopting those recommendations.

By vacating the family court's orders and remanding with instructions that Referee LeBost's recommendations be reinstated, we do not leave respondent without a remedy. Respondent can seek review of Referee LeBost's recommendations pursuant to MCR 5.991.

Finally, we reject petitioner's suggestion that we order the Family Division of Wayne Circuit Court to adopt a court rule prohibiting a referee from changing the recommendation of another referee. Petitioner acknowledges that it is uncertain that such a generalized practice exists. Moreover, this case does not constitute the proper vehicle for such a procedure.

The family court's orders adopting the recommendations of Chief Referee Doetsch are vacated, and this case is remanded with instructions that the recommendations of Referee LeBost be reinstated. We do not retain jurisdiction.

/s/ Gary R. McDonald  
/s/ David H. Sawyer  
/s/ Helene N. White