

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

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In re MATTHEW THOMAS WIDING, Minor.

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JEANNINE M. MACDONALD,

Petitioner-Appellant,

v

MICHIGAN CHILDREN'S INSTITUTE/FIA,

Respondent-Appellee.

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UNPUBLISHED

February 6, 2001

No. 227386

Kent Circuit Court

Family Division

LC No. 00-018607-AD

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In re WILLIAM RAY WIDING, Minor.

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JEANNINE M. MACDONALD,

Petitioner-Appellant,

v

MICHIGAN CHILDREN'S INSTITUTE/FIA,

Respondent-Appellee.

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No. 227487

Kent Circuit Court

Family Division

LC No. 00-018608-AD

Before: Wilder, P.J., and Hood and Cavanagh, JJ.

PER CURIAM.

Petitioner appeals as of right from an order dismissing her petitions to adopt the minors named above. We affirm, but remand for consideration of issues pending before the trial court.

Although a trial court's decision to grant or deny an adoption petition is generally reviewed for an abuse of discretion, we review de novo questions of law. *In re TMK*, 242 Mich App 302, 304; 617 NW2d 925 (2000).

MCL 710.45(1); MSA 27.3178(555.45)(1) provides that a trial court “shall not allow the filing of a petition to adopt a child if the consent of a representative or court is required pursuant to section 43(1)(b), (c), or (d) of this chapter unless the petition is accompanied by the required consent or a motion as provided in subsection (2).” In the instant matter, petitioner was required to attach either respondent’s consent to her adoption of the minors or a motion challenging respondent’s decision to deny consent. Petitioner’s petitions failed to include either alternate attachment. Thus, the trial court should not have accepted petitioner’s filings. Further, MCR 2.116(I)(1) provides that “[i]f the pleadings show that a party is entitled to judgment as a matter of law . . . the court shall render judgment without delay.” Consequently, we conclude that the trial court did not err by dismissing petitioner’s petitions.

Petitioner also challenges the trial court orders requiring the immediate removal of the minors from petitioner’s home. These orders were entered in lower court docket numbers 98-1032-01-NA and 98-1032-NA; however, petitioner’s appeal only concerns docket numbers 00-018607-AD and 00-018608-AD. Thus, petitioner has failed to properly invoke the jurisdiction of this Court with regard to the orders of removal. Therefore, we may not consider these issues.

We also note that, because of this appeal, the trial court did not rule on petitioner’s motions challenging respondent’s withholding of consent as arbitrary and capricious, as allowed by MCL 710.45(2); MSA 27.3178(555.45)(2). In addition, petitioner filed motions challenging the trial court’s decision to remove the minors from petitioner’s home. These motions were filed a day after petitioner filed her claim of appeal, and have yet to be ruled on. Accordingly, we remand for consideration of the merits of these motions.

Affirmed, but remanded for consideration of unresolved motions before the trial court. We do not retain jurisdiction.

/s/ Kurtis T. Wilder  
/s/ Harold Hood  
/s/ Mark J. Cavanagh