

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ZAVIER MONROE and GRANT  
MONROE, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DAVID BRYAN MONROE,

Respondent-Appellant.

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UNPUBLISHED

April 29, 2008

No. 279534

Jackson Circuit Court

Family Division

LC No. 06-005267-NA

Before: Wilder, P.J., and Murphy and Meter, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor children. We remand for further proceedings.

The trial court terminated respondent's parental rights at the initial dispositional hearing. A court may terminate parental rights at the initial dispositional hearing if the preponderance of evidence adduced at trial establishes grounds for the assumption of jurisdiction under MCL 712A.2(b) and the court finds on the basis of clear and convincing legally admissible evidence that one or more facts alleged in the petition are true and establish grounds for termination under MCL 712A.19b(3). MCR 3.977(E). Once a statutory basis for termination is established, the court must order termination of parental rights unless the evidence on the whole record clearly shows that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

The trial court is required to make "findings of fact and conclusions of law" and place them on the record or in writing. MCR 3.977(H)(1). "Brief, definite, and pertinent findings and conclusions on contested matters are sufficient." *Id.* Further, a court is required to identify the statutory basis for an order terminating parental rights. MCR 3.977(H)(3). The purpose of this requirement is to facilitate appellate review. See, generally, *People v Johnson (On Rehearing)*, 208 Mich App 137, 141; 526 NW2d 617 (1994). Thus, we review the adequacy of the trial court's findings of fact and conclusions of law to determine whether the court was aware of the issues in the case and correctly applied the law, and to determine whether appellate review would be facilitated by requiring further explanation. *Triple E Produce Corp v Mastronardi Produce Ltd*, 209 Mich App 165, 176; 530 NW2d 772 (1995).

Following the close of arguments at the dispositional hearing, the trial court granted petitioner leave to amend the petition to allege additional statutory grounds for termination and adjourned the case to allow respondent to determine if he wanted to present additional evidence to address the new statutory grounds. When the hearing resumed several months later, the court stated that its notes reflected that it had already “made clear and convincing findings with regard to the basis for termination,” and it proceeded with the best interests stage of the proceedings.

As respondent argues, and petitioner agrees, the record discloses that contrary to the trial court’s statement, it failed to make any findings of fact or conclusions of law regarding a statutory basis for termination. Accordingly, while retaining jurisdiction, we remand this case to the trial court for findings of fact and conclusions of law as required by MCR 3.977(H). The trial court shall submit its findings of fact and conclusions of law to this Court within 28 days of the issuance of this opinion.

Remanded for further proceedings consistent with this opinion. We retain jurisdiction.

/s/ Kurtis T. Wilder

/s/ William B. Murphy

/s/ Patrick M. Meter

# Court of Appeals, State of Michigan

## ORDER

In re Monroe Minors

Docket No. 279534

LC No. 06-005267-NA

Kurtis T. Wilder  
Presiding Judge

William B. Murphy

Patrick M. Meter  
Judges

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Pursuant to the opinion issued concurrently with this order, this case is REMANDED for further proceedings consistent with the opinion of this Court. We retain jurisdiction.

Proceedings on remand in this matter shall commence within 7 days of the Clerk's certification of this order and they shall be given priority on remand until they are concluded. As stated in the accompanying opinion, the trial court shall submit its findings of fact and conclusions of law to this Court within 28 days of the issuance of this opinion.

The parties shall promptly file with this Court a copy of all papers filed on remand. Within seven days after entry, appellant shall file with this Court copies of all orders entered on remand.

The transcript of all proceedings on remand shall be prepared and filed within 21 days after completion of the proceedings.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 29 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk