

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 28, 2013

In the Matter of A. P. WINES, Minor.

No. 310659
St. Clair Circuit Court
Family Division
LC No. 11-000455-NA

Before: SHAPIRO, P.J., and SERVITTO and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals of right from an order terminating her parental rights to her son under MCL 712A.19b(3)(i), MCL 712A.19b(3)(j), and MCL 712A.19b(3)(l). We reverse and remand for proceedings consistent with this opinion because the record does not support a finding that termination was in the best interests of the minor child.

In the present case, there was a proceeding before a referee that resulted in recommended findings of fact and conclusions of law. The trial court then issued its original order, finding that grounds for termination had been proven by clear and convincing evidence and that termination was in the best interests of the minor child. However, the trial court never stated any reasons on the record or in the written order for its finding that termination was in the child's best interests. The order does reference the findings of fact and conclusions of law of the referee, but the referee stated only "Based on the evidence presented, the Court further finds that termination of the parental rights of respondent mother is in the best interests of the minor child," without giving any reasons.

Respondent argues that the trial court erred in failing to make a determination whether termination of her parental rights would be in the child's best interests. During the pendency of this appeal, petitioner acknowledged as much and brought a motion in this Court for leave to have the order corrected. This Court granted the motion, and allowed the trial court to "issue a corrected order that accurately reflects the *entirety* of its findings of fact and conclusions of law." *In re A P Wines*, unpublished order of the Court of Appeals, issued December 13, 2012 (Docket No 310659) (emphasis added). The trial court subsequently amended the order. With respect to best interests, the court stated in its entirety:

For the reasons stated on the record, or in a written opinion, the Court finds that termination of parental rights is in the best interest of the minor child.

However, because neither the referee nor the trial court ever stated any reasons on the record or in a written opinion, this amendment did not cure the fault in the original order.

The trial court has had two opportunities to articulate findings of fact and conclusions of law to support the conclusion that termination was in the child's best interest, and has failed to do so. We accordingly find that the trial court's findings do not support the conclusion that termination of respondent's parental rights is in the best interests of the minor.

Reversed and remanded for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Douglas B. Shapiro
/s/ Deborah A. Servitto
/s/ Amy Ronayne Krause