Court of Appeals, State of Michigan

ORDER

Thomas Westran v Benni Lynn Hebrew-Westran

Docket No. 278866

LC No. 02-033288-DM

Alton T. Davis
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive MCR 7.209 transcript requirements is GRANTED.

The motion for stay is DENIED as moot.

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED for the reason that the court failed to hold the required evidentiary hearing before ordering a change of custody, even on a temporary basis. *Grew v Knox,* 265 Mich App 333, 336; 694 NW2d 772 (2005). In addition, the court is required to determine whether there was a change of circumstances or proper cause to modify the custody award, and if so, whether the modification would change an established custodial environment. MCL 722.27(1)(c); *Vodvarka v Grasmeyer,* 259 Mich App 499, 509; 675 NW2d 847 (2003). If so, the court is required to consider the statutory best interest factors, MCL 722.23, and explicitly state its findings and conclusions concerning each factor. *Rittershaus v Rittershaus*, 273 Mich App 462, 475; 730 NW2d 262 (2007).

The order changing custody is REVERSED and the cause is REMANDED for further proceedings consistent with this order. We do not retain jurisdiction.

This order is given immediate effect pursuant to MCR 7.215(F)(2).

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

JUL - 3 2007
Date

Sandra Schultz Mengel
Chief Clerk