

**Court of Appeals, State of Michigan**

**ORDER**

In re Grove-Shealy/Grove-Patrick/Cooper-Grove minors

Docket No. 287366

LC No. 07-475632

Karen M. Fort Hood  
Presiding Judge

Kirsten Frank Kelly

Christopher M. Murray  
Judges

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The Court orders that the motion to remand filed by petitioner-appellee Department of Human Services is GRANTED. The Court accepts the motion as a confession of error and on the facts as presented by respondent-appellant and conceded by petitioner-appellee Department of Human Services, the Court finds error requiring reversal in the trial court's failure to make a proper finding under MCR 3.920(B)(4)(b) that respondent-appellant could not be personally served as required under MCL 712A.12 before proceeding against respondent-appellant with substitute service. See *In re Adair*, 191 Mich App 710; 478 NW2d 667 (1991). Pursuant to MCR 7.216(A)(7) the Court orders that the termination of respondent-appellant's parental rights is REVERSED and this matter is REMANDED to the trial court for further proceedings following proper service upon respondent-appellant.

The Court does not retain jurisdiction.

The Court further orders that the portion of the Court's order of September 23, 2008, that consolidated this appeal with the appeal in docket no. 286790 is VACATED. The appeal in docket no. 286790 shall proceed unaffected by this order.



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

DEC 09 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk