

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAJON GASTON, TACARA
GAINES, and COREY SHIELDS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEANDREW GASTON,

Respondent-Appellant,

and

NANCY GAINES and JAMES LYONS,

Respondents.

UNPUBLISHED

July 14, 2005

No. 259450

Ottawa Circuit Court

Family Division

LC No. 03-047428

Before: Murphy, P.J. and Sawyer and Donofrio, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to Dajon Gaston, presumably under MCL 712A.19b(3)(g). Because the trial court applied an improper standard of review, we reverse.

Respondent-appellant argues that the trial court clearly erred in using the wrong standard of proof in terminating his parental rights. We agree. The trial court found “good cause” under the statute to terminate respondent-appellant’s parental rights. “Good cause” has no meaning under MCL 712A.19b(3). Thus, the trial court committed clear error in using a “good cause” standard rather than the “clear and convincing evidence” standard of proof required by MCL 712A.19b(3). *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). Application of an improper standard of review warrants reversal. See *Dignan v Michigan Public School Employees Retirement Board*, 253 Mich App 571, 578; 659 NW2d 629 (2002).

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

/s/ William B. Murphy

/s/ David H. Sawyer

/s/ Pat M. Donofrio