

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF NEWAYGO
FAMILY DIVISION

In The Matter of Alyssa Keast (dob:12/22/2000) and
Amber Keast (dob: 8/18/2002).

Abuse and Neglect File # 05-6388-NA
Adoption File # 06-505-AF
06-506-AF

Date of Hearing: April 4, 2007. Judge: Terrence R. Thomas P21388

This court by order dated March 5, 2007, following a post termination review hearing held February 7, 2007, terminated these children's commitment to the Michigan Children's Institute and made the children permanent wards of the court. The court further ordered that these children be placed with their maternal grandparents, Timothy and Barbara Atwood consistent with petitions to adopt these children on file with this court.

The foster mother with whom the children were placed appealed this change of placement to the Michigan Foster Care Review Board who conducted a hearing and agreed with the foster parent placement that the ward's removal was not in the wards best interest. These finding were faxed to court and received March 22, 2007.

For the sake of a full record, this court scheduled a hearing consistent

with MCL 712A.13b(5), although not compelled to do so for the reason that the Foster Care Review Board has no role in these proceedings. A clear reading of the statute reveals that the Review Board reviews *agency* decisions in certain circumstances of changes in placements. This court reviews the work of the Review Board. The Review Board has no authority to review a placement decision by this court. The appropriate review of this court's decisions is the Court of Appeals.

The court further surmises that once this court made these children permanent wards of the court, any agency jurisdiction ended. However, as a matter of courtesy, the court did request the Department of Human Services to supervise the transfer and to monitor the placement to insure its success pending a final order of adoption.

Having made that determination, the court would further augment the record as follows:

1. What is not at issue in this case is the care provided the children by the foster mother Nicole Coppess. It would appear that the children have been properly cared for and a bonding has occurred between her and the children. Such would be expected given the ages of the children and the two years they have been in her care.

2. What has developed subsequent to the February 7, 2007, hearing is

a competition to adopt between the maternal grandparents and the foster mother, a single working person employed by the Newaygo County Community Mental Health. The strong support provided by the foster mother's co-workers and others in the local social services community smacks of cronyism and undermines the value of their opinions. It is apparent from the list of witnesses who appeared in front of the Foster Care Review Board, there is no one in that community left to speak for the grandparents and the court is left to wonder whether they were even informed of the hearing.

3. That any change in the placement of these children would be difficult is not lost on this court. The Foster Care Review Board's conclusion, "... that the Court's decision has gone against every professional opinion who has been involved with these children's lives since their original placement and the placement with the grandparents does not meet the "best interests of the child" provision of MCL 722.23 [MSA 25.312(3)] is nothing more than pure opinion. Further, such a conclusion anticipates that nothing other than the status quo is appropriate for these children. Since these children were able to weather placement with a complete stranger two years ago, they will survive placement with their "old grandparents". The court believes that these children will receive

appropriate care and that current services will be continued with the current providers. The foster mother previously pledged her support to a transition and if she loves the children she will do so and continue to be a part of their lives. As to what child welfare practices other than stall and delay are being violated by this placement is not clear to the court.

4. This case is long on opinion and short on fact. The quarrel the agency has with the grandparents is that arguably they disobeyed an agency directive by allowing the children to go with their mother when in their placement and that the grandfather admitted to the use of marijuana. The drug assessment reveals the grandfather has been drug free for years and is not at risk. The agency initially placed the children with their mother and only removed them when she attempted suicide in the children's presence. Psychological evaluations do not indicate that the children would be at risk of harm in placement with the grandparents.

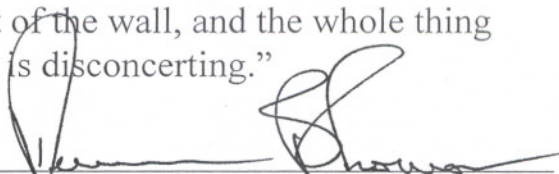
5. The core issue presented by this case is whether the conduct of the maternal grandparents arises to a the level that over rides the strong public policy that dictates children be placed with their families. This court does not believe that it does. To answer otherwise would disqualify 50 to 80 percent of families in this community. In this court's opinion there is no fact presented by this case strong enough to deny these children their lineage

and their birthright. The court finds that it is in “the best interests” of these children to continue their placement with their grandparents.

In her “The Last Word” column entitled *The Weight of What-If*, found in the April 2, 2007, issue of *Newsweek*, Anna Quindlen writes:

“ From the snug harbor of their settled lives, people like to torture themselves a little with the specter of what-ifs, which is why so many still watch “It’s a Wonderful Life” every year at Christmastime. A different school, a different job, a different town, a different choice. One brick out of the wall, and the whole thing tumbles. The randomness of life is disconcerting.”

Dated: April 4, 2007.



Terrence R. Thomas, Circuit Judge