*If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.*

# STATE OF MICHIGAN

# COURT OF APPEALS

UNPUBLISHED
August 19, 2026
2:45 PM

*In re* L-S MOREHEAD, Minor.

No. 375278
Muskegon Circuit Court
Family Division
LC No. 23-005301-NA

AFTER REMAND

Before: SWARTZLE, P.J., and MALDONADO and ACKERMAN, JJ.

PER CURIAM.

This case returns to us after remand to the trial court to conduct a new best-interest determination given that its initial analysis did not consider relative placement. Because the trial court on remand considered relative placement, and its finding that termination was in the child's best interests was not clear error, we affirm.

The Department of Health and Human Services (DHHS) sought to remove the child, LSM, from respondent-father's care and custody after respondent-father was arrested for felony surveilling an unclothed person, MCL 750.539j(1)(a). Respondent-father was found guilty of the charge, sentenced to serve 18 months to 15 years, and was required to register under the Sex Offenders Registration Act (SORA), MCL 28.721 *et seq*.

After removal, the child was placed with his paternal aunt. At the termination hearing, the following evidence was considered with regard to LSM's placement with his aunt:

> [DHHS foster-care specialist Laura] Borek also recalled LSM telling her that "he was tired of the inconsistency in his life with his father," that "he wanted to remain living with his aunt," and that he "was very excited about the prospect of a possible adoption with his Aunt." Borek testified that she believed that it was in LSM's best interests to be adopted by his aunt because the home was "a very stable and loving

> environment for him" and he was "thriving." The aunt told Borek that her preference was to adopt LSM. The trial court then heard testimony from another DHHS foster-care worker, Tiffany Kitchen. Kitchen took over the case from Borek in November 2024 and described LSM as "doing phenomenal" in his aunt's home. She also recalled LSM stating that he would prefer to stay with his aunt until he reached adulthood and the aunt stating that she preferred to adopt LSM. Kitchen also believed that it was in LSM's best interests for respondent-father's parental rights to be terminated to make him available for adoption. Because LSM and his aunt preferred adoption, the LGAL supported adoption and agreed that it was in LSM's best interests for respondent-father's parental rights to be terminated. [*In re Morehead*, unpublished per curiam opinion of the Court of Appeals, issued February 18, 2026 (Docket No. 375278), p 2.]

The trial court found that DHHS made reasonable efforts toward reunifications, found that termination was in LSM's best interests, and terminated respondent-father's rights under MCL 712A.19b(3)(g) and (j).

Respondent-father appealed the termination to this Court, and we affirmed in part and vacated in parted. We affirmed that reasonable efforts were made and that there were statutory grounds for termination but vacated the trial court's best-interests decision because the trial court did not acknowledge LSM's relative placement with his aunt "when making its best interests findings, much less acknowledge that this placement weighed against termination." *In re Morehead*, unpub op at 6. We remanded with the direction "that the trial court fully address the best-interest factors when rendering its decision," and retained jurisdiction to ensure prompt resolution. *Id.*

On remand, the trial court specifically acknowledged relative placement when deciding whether termination was in the child's best interests:

> [I]t is the finding of the Court that the best interest of [LSM] is served by the termination of the respondent's parental rights here. Even though the child was in a relative placement, that relative placement actually is also serving as the prospective adoptive family.

Given the time LSM had been with his aunt; the permanence, stability, and finality of that placement; and LSM's desire to remain there as a permanent home, the trial court found that termination was in the child's best interests.

This case now returns to the Court after remand.

After remand, the sole issue is the trial court's best-interests determination, and specifically whether it properly considered relative placement in the process. We review the trial court's findings for clear error, i.e., whether the Court "is left with a definite and firm conviction that a mistake has been made." *In re Atchley*, 341 Mich App 332, 338, 346; 990 NW2d 685 (2022).

A trial court must consider relative placement when making a decision on a child's best interests. "A trial court's failure to explicitly address whether termination is appropriate in light

of the children's placement with relatives renders the factual record inadequate to make a best-interest determination and requires reversal." *In re Olive/Metts Minors*, 297 Mich App 35, 43; 823 NW2d 144 (2012). Placement with a relative generally weighs against termination. *In re Mason*, 486 Mich 142, 164; 782 NW2d 747 (2010). Relative placement is not dispositive, however, and a trial court may find that termination is in the child's best interests even if the child is placed with a relative. *In re Atchley*, 341 Mich App at 347. Furthermore, when the trial court considers the child's relative placement "its underlying reasoning need not be so specific" and findings are sufficient if the trial court was aware of the issues and correctly applied the law. *In re Gentry*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 376583); slip op at 4-5.

On review of the entire record, we find no clear error with respect to the trial court's conclusion that termination was in the best interests of the child. With respect to relative placement in particular, the trial court adequately considered the child's placement with his paternal aunt, as a close reading of the trial court's explanation shows.

As recounted earlier, the trial court noted with respective to the relative placement: "Even though the child was in a relative placement, that relative placement actually is also serving as the prospective adoptive family." Thus, the trial court began its explanation with a dependent clause: "Even though the child was in a relative placement." In grammatical terms, this dependent clause beginning with "Even though" sets up a contradistinction between the rest of the dependent clause ("the child was in a relative placement") with what follows in the main clause: "that relative placement actually is also serving as the prospective adoptive family." With this contradistinction, the trial court observed the dual-nature of this particular relative placement—(1) the placement was with a relative, but (2) the placement was a prospective adoptive one. That the trial court recognized two material aspects of this placement, not just one, is further signaled by that court with the words "actually" and "also" in the latter independent clause.

The second material aspect—prospective adoption—clearly weighed in favor of termination, as the trial court repeatedly explained during the initial termination proceeding and on remand. Given the contradistinction created by the structure of the sentence, the first dependent clause can only be read as a contrary to the second independent clause, i.e., an implicit recognition that, generally speaking, a relative placement weighed against termination. While the trial court could have been more explicit on this score, it need not make elaborate factual findings or explain itself at length. Instead, a short and plain explanation that acknowledged the fact of a relative placement and that such placement generally weighed against termination was sufficient. The fact that the trial court made this acknowledgement implicitly by way of contradistinction in the same sentence that it recognized explicitly an aspect of that placement that strongly weighed in favor of termination does not somehow undermine its reasoning.

The trial court followed this Court's directive on remand. The trial court's ultimate decision—that termination was in the child's best interests—was not clearly erroneous based on all of the factors considered by that court.

Affirmed.

/s/ Brock A. Swartzle
/s/ Matthew S. Ackerman