Court of Appeals, State of Michigan

ORDER

Jessica R. Cooper

Presiding Judge

Kathleen Jansen

E. Thomas Fitzgerald

Judges

Dawn Lee Simard v Amber Tengler

Docket Nos. 259357; 259975

LC No. 04-000978-DC

Pursuant to MCR 7.205(D)(2), in lieu of granting leave to appeal, the Court orders that the September 24, 2004 and September 28, 2004 orders are VACATED. Pursuant to MCL 722.26b(5), if a limited guardian, such as plaintiff, brings a child custody complaint, "the circuit court *shall* request the supreme court in accordance with . . . MCL 600.225 . . . to assign the probate court judge who appointed [the limited guardian] to serve as the circuit court judge and hear the child custody action." The circuit court erred in refusing to make such a request of our Supreme Court. This matter is REMANDED to the circuit court, and the circuit court is directed to comply with MCL 722.26b(5) so as to allow the probate court to resolve this custody dispute.

This Court retains no further jurisdiction.

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

MAR 2 1 2005

Date

Sandra Schultz Mengel

Chief Clerk