

Court of Appeals, State of Michigan

ORDER

In re Staniszewski Minors

Docket No. 298186

LC No. 10-492904

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the May 18, 2010 and the April 22, 2010 orders of the Wayne County Juvenile Division are REVERSED, to the extent that the trial court allowed the respondent mother and the legal father, Tom Staniszewski, to retain attorney Theresa Klaasan to act as an attorney for the minor children in this child protection proceeding. In accordance with MCR 3.915(B)(2)(a), the trial court appointed a lawyer-guardian ad litem, Hugh Marshall, to represent the children at every hearing, including the trial that is scheduled for May 28, 2010. Accordingly, the LGAL shall represent the interests of the children at trial. If a conflict arises between the LGAL and the children, the court may appoint an attorney to represent the children's interest pursuant to MCR 3.915(B)(2)(b). The court rules governing child protective proceedings do not permit the parents of the children to retain an attorney to represent the children. This is particularly true in this case where the mother is a respondent in the proceeding and there is a potential direct conflict of interest with the interests of the children.

The motion for stay is DENIED.



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

MAY 27 2010

Date

Sandra Schultz Mengel
Chief Clerk