

Court of Appeals, State of Michigan

ORDER

In re D O Riley, Minor

Docket No. 299663

LC No. 10-003014-NA

Richard A. Bandstra
Presiding Judge

Joel P. Hoekstra

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that the decision of the Family Division of the Grand Traverse Circuit Court assuming jurisdiction over the minor is PEREMPTORILY REVERSED, and the August 3, 2010 order of adjudication effectuating that ruling is VACATED. Once the court has obtained jurisdiction over the matter, the child cannot come under the court's jurisdiction and become a ward of the court until the court holds an adjudication on the merits of the allegations in the petition, and finds by a preponderance of the evidence that there is factual support for permitting judicial intervention under one of the grounds designated in MCL 712A.2(b). *In re AP*, 283 Mich App 574, 593; 770 NW2d 403 (2009). Here, the meager and conclusory admissions of respondent mother were clearly and wholly inadequate to establish factual support for permitting judicial intervention under the statute. This matter is REMANDED to the circuit court for the purpose of reconvening the adjudication hearing and the presentation of proofs on the issue of jurisdiction. In all other regards, the application for leave to appeal is DENIED for lack of merit in the grounds presented. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

OCT 21 2010

Date

Sandra Schultz Mengel
Chief Clerk