

Court of Appeals, State of Michigan

ORDER

In re Allen/Verbison Minors

Docket No. 301416

LC No. 10-013569-NA

Patrick M. Meter
Presiding Judge

William C. Whitbeck

Stephen L. Borrello
Judges

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

The Court orders pursuant to MCR 7.205(D)(2) that the portion of the circuit court's November 16, 2010 pretrial order requiring respondent appellant to undergo a psychological evaluation is VACATED. The circuit court's authority to issue orders affecting an adult to ensure the safety or well-being of the child must be incidental to the court's jurisdiction over the child. MCL 712A.6; see also *In re Macomber*, 436 Mich 386, 399-400 (1990); *In re CR*, 250 Mich App 185, 202-203 (2002). Because the court has not assumed jurisdiction over the child, it exceeded its authority in ordering the evaluation prior to adjudication. In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion to consolidate is DENIED as moot.



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

DEC 16 2010

Date

Sandra Schultz Mengel
Chief Clerk