

Court of Appeals, State of Michigan

ORDER

IN RE B HAMILTON-STONE MINOR

Docket No. 303500

LC No. 99-383790-NA

Karen M. Fort Hood
Presiding Judge

Kirsten Frank Kelly

Cynthia Diane Stephens
Judges

The Court orders that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED.

A review of the record reveals that the minor child tested positive for opiates at birth, and the biological mother's rights to other children were previously terminated. Consequently, the mother's parental rights to B.H.S. were terminated. The legal father, a licensed foster parent, was present for the birth of B.H.S., completed an affidavit of parentage, and intended on taking placement of the child to his home in Arizona. See MCL 722.1003; MCL 722.1004. Petitioner became involved in the case, and the legal father had to return to Arizona to care for his other two foster children. After verifying the father's license and home review, petitioner sought to dismiss the case. The lower court acknowledged that the petition raised no allegations questioning the father's fitness, but rather retained jurisdiction for the child's "best interests." The trial court "shall order the child returned to his or her parent" where there is no evidence of a substantial risk of harm to the child's life, physical health, or mental well-being. MCL 712A.19b(5). "[W]hen a parent is fit and a child's needs are met, there is no reason for the state to interfere in a child's life." *In re AP*, 283 Mich app 574, 591; 770 NW2d 403 (2009). Accordingly, the trial court erred in denying petitioner's request to dismiss jurisdiction.

The motion for immediate consideration is GRANTED. The guardian ad litem's motion for stay of the ruling on the motion for peremptory reversal is DENIED.

This order is to have immediate effect. MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

May 3, 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.
Chief Clerk