

Court of Appeals, State of Michigan

ORDER

In Re K Smith Minor

Docket No. 318273

LC No. 10-493594-NA

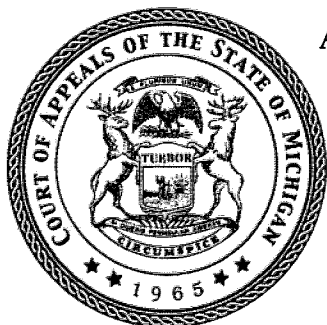
Peter D. O'Connell
Presiding Judge

E. Thomas Fitzgerald

Jane E. Markey
Judges

In light of our Supreme Court's recent decision that it is an unconstitutional deprivation of a parent's fundamental rights under the Fourteenth Amendment of the United States Constitution for the circuit court to enter dispositional orders affecting the rights of a parent without first finding the parent unfit in a separate adjudicative proceeding which determined the trial court's jurisdiction of the child with respect to that parent's actions or inactions under MCL 712A.2(b), and because an order terminating parental rights is a dispositional order, and because respondent-appellant Leon L. Johnson was not afforded such a separate adjudication in this case, the Court orders that the trial court's order terminating Leon L. Johnson's parental rights with respect to K. Smith is REVERSED, and the matter is remanded to the trial court for further proceedings consistent with this order. *In re Sanders*, ___ Mich ___; ___ NW2d ___ (2014).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 16, 2014

Date


Chief Clerk