

Court of Appeals, State of Michigan

ORDER

Emily R Varran v Peter J Granneman

Docket No. **321866**

LC No. **03-000271-DC**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the order dated April 25, 2014 and entered in the circuit court register of actions on May 1, 2014 is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That order is not a final order under MCR 7.202(6)(a)(iii) because it is not an order affecting custody within the meaning of that court rule provision. MCR 7.202(6)(a)(iii), which is directed at postjudgment orders in domestic relations actions, must reasonably be considered to use the term "custody" as it is used in Michigan domestic relations law and, thus, cannot reasonably be considered to extend to orders that merely allow parenting or grandparenting time without affecting custody under our domestic relations law. See, e.g., *Pierron v Pierron*, 486 Mich 81, 85-86; 782 NW2d 480 (2010) (discussing that adjustments to parenting time do not necessarily affect established custodial environment). This is true regardless of whether the May 1, 2014 order might affect custodial rights as discussed in constitutional case law. At this time, appellant may seek to appeal the May 1, 2014 order by filing a delayed application for leave to appeal under MCR 7.205(G).



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

JUN 20 2014

Date


Chief Clerk