

Court of Appeals, State of Michigan

ORDER

Joshua Wayne Gallup v Malinda Lynn Speicher

Docket No. **322548**

LC No. **11-050257-DM**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal as to the June 13, 2014 order regarding grandparent visitation is **DISMISSED** for lack of jurisdiction because the order is not appealable of right. MCR 7.202(6)(a); MCR 7.203(A). The 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 granting grandparent visitation 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).

At this time, appellant may seek to appeal the 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

JUL 23 2014

Date

Chief Clerk