

Court of Appeals, State of Michigan

ORDER

In re R Hernandez Minor

Docket No. 324359

LC No. 14-012626-NA

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

Amy Ronayne Krause
Judges

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

Both motions to remand are also GRANTED and the case is REMANDED to the trial court to allow appellant to make the evidence referred to in the motions part of the record, including by having an appropriate hearing to present testimony from April Tyler, D.O. Further, appellant may file an appropriate motion in the trial court as to whether the child at issue should be returned to his custody based on this evidence. If the trial court determines it is appropriate to grant such a motion it may set aside or amend the order appealed from. MCR 7.208(A)(1).

Appellant shall initiate the proceedings on remand within 14 days of the date of this order. The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the remand proceedings. Appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the date of this order. Appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. The remand proceedings shall be concluded within 56 days of the date of this order. Appellant shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings. The time for proceedings with the appeal shall begin to run 14 days after the date of this order if a motion to initiate the proceedings on remand is not filed in the trial court within that 14-day period.

The motion to extend time to file appellant's brief is DENIED as moot. Per MCR 7.211(C)(1)(d), appellant's brief shall be due 21 days after any ultimate decision by the trial court on remand or after the filing of the transcript of the remand proceedings, whichever is later.



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

JAN 29 2015

Date

Chief Clerk