

Court of Appeals, State of Michigan

ORDER

In Re M L Crooks Minor

Douglas B. Shapiro
Presiding Judge

Docket No. 337485

Joel P. Hoekstra

LC No. 16-523341-NA

Michael J. Kelly
Judges

The Court orders that the motions for immediate consideration and to amend appellant’s brief are DENIED.

The Court further orders that the motion to remand is GRANTED, and this matter is REMANDED to the Wayne Family Court for the limited purpose of allowing the parties to make an offer of proof on the question whether respondent father’s acquittal in Wayne Circuit Court Docket No. 16-010961-FC necessitates a reopening of proofs in his termination case. Respondent father may present an offer of proof describing the evidence adduced at his criminal trial which he believes, if known by the family court, would have resulted in a different outcome in his dispositional hearing. Petitioner may present an offer of proof regarding the evidence adduced at the criminal trial supporting the termination of respondent father’s parental rights. **Within 56 days of the Clerk’s certification of this order, the family court shall entertain the offer of proofs and shall decide whether to vacate its March 7, 2017 order of termination of parental rights as to respondent father and conduct a new dispositional hearing.** If the family court vacates March 7, 2017 order, then the court shall retain jurisdiction over the children. The family court shall make findings of facts and its determination on the record, either in writing or from the bench.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings. The party receiving the adverse ruling shall have 14 days from the family court’s issuance of its findings to file a supplement brief with this Court. A responsive brief may be filed within 14 days of proof of service of the initial supplemental brief.

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



October 23, 2017
Date

Jerome W. Zimmer Jr.
Chief Clerk