

Court of Appeals, State of Michigan

ORDER

In re Bulley/May Minors

Docket No. 342837

LC No. 17-000561 NA

Michael J. Kelly
Presiding Judge

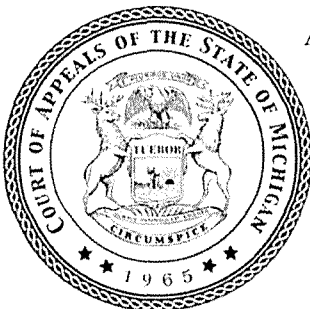
David H. Sawyer

Jane E. Markey
Judges

On the Court's own motion, in accordance with our Supreme Court's order issued March 29, 2019, this case is REMANDED to the Wayne Circuit Court Family Division.

The trial court shall, as directed by our Supreme Court, reconsider its November 6, 2017 order finding jurisdiction and its February 7, 2018 order terminating respondent-mother's parental rights to JMM and AIDB. The circuit court shall specifically address: (1) whether there is sufficient evidence that the respondent-mother either engaged in the abuse of PES or failed to protect PES from the abuse, resulting in a reasonable likelihood that JMB and AIDB would suffer harm, injury or abuse in the foreseeable future if placed in respondent-mother's home, taking into consideration, among other evidence, whether respondent-mother was attentive to PES's medical needs by taking PES to five doctor appointments during the approximate five-week period PES was in her care; the significance of evidence that medical professionals did not observe signs of physical abuse on PES during the child's medical appointments; testimony that respondent-mother was not told by PES's father that he twice dropped PES; and whether respondent-mother knew the cause of the non-accidental trauma inflicted on PES and attempted to conceal it, see *In re Ellis*, 294 Mich App 30, 32-36 (2011), and (2) whether termination is in JMM's and AIDB's best interests, taking into consideration, among other evidence, the lack of evidence of domestic violence, abuse or CPS involvement with respect to JMM and AIDB; the children's bond to respondent-mother; evidence of suitable housing, income, and family support; respondent-mother's visitation with JMM and AIDB; respondent-mother's January 15, 2019 divorce from PES's father; and whether respondent-mother would benefit from a case service plan. The circuit court may, in its discretion, receive proofs or hold an evidentiary hearing.

The circuit court shall forward to the Court of Appeals, within 42 days of the clerk's certification date of this order, a written opinion addressing the above issues. We retain jurisdiction.



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

APR - 3 2019

Date


Chief Clerk