

Court of Appeals, State of Michigan

ORDER

Adriana Knack-Ruiz v Michael Joseph Knack

Docket No. 351969

LC No. 19-000024-DM

Amy Ronayne Krause
Presiding Judge

Stephen L. Borrello

Brock A. Swartzle
Judges

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

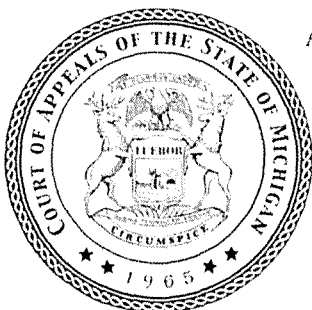
Pursuant to MCR 7.205(E)(2), and in lieu of granting leave to appeal, we VACATE the circuit court's November 18, 2019 order. The circuit court erred by finding that its order did not alter the children's established custodial environment, and correspondingly erred by applying the preponderance of the evidence standard to its consideration of plaintiff's motion. See *Lieberman v Orr*, 319 Mich App 68; 900 NW2d 130 (2017).

We REMAND this case to the circuit court for consideration of plaintiff's motion under the clear and convincing evidence standard. Upon completion of its consideration of plaintiff's motion under the clear and convincing evidence standard, the circuit court shall issue a new order addressing plaintiff's motion.

The appellate motion to stay and the motion to waive the requirements of MCR 7.209 are DISMISSED as moot.

This order is to have immediate effect. MCR 7.215(F)(2).

We do not retain jurisdiction.



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

DEC 30 2019

Date

Chief Clerk