

# Court of Appeals, State of Michigan

## ORDER

In re E J Smith, Minor

Docket No. 353861

LC No. 19-004787-NA

Brock A. Swartzle  
Presiding Judge

Patrick M. Meter

Amy Ronayne Krause  
Judges

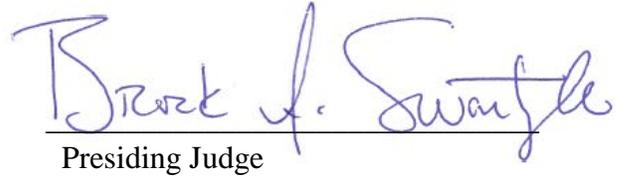
---

The application for leave to appeal is GRANTED. On its own motion, the Court directs that this appeal shall be EXPEDITED. See MCR 7.213(C)(7). The time for taking further steps in this appeal runs from the date of the Clerk’s certification of this order. MCR 7.205(E)(3).

The Court further orders that in their briefs, the parties shall address, in addition to any other matters or arguments they deem appropriate, all of the following:

1. The extent, if any, to which an adjudicated parent retains any right to direct the care, control, and custody of a child who is under the jurisdiction of the trial court. The parties shall address whether the adjudicated parent is completely divested of control over the child, retains rights subject to overruling by the trial court based on the trial court’s assessment of the child’s needs, or any other possibility the parties may propose. See *In re Pederson Minors*, \_\_\_ Mich App \_\_\_, \_\_\_; \_\_\_ NW2d \_\_\_ (2020) (Docket No. 349881), slip op at p 11 (CAMERON, J); *In re Sanders*, 495 Mich 394, 405-407; 852 NW2d 524 (2014); and *In re Deng*, 314 Mich App 615, 626-627; 887 NW2d 445 (2016).
2. Whether the trial court in a child protective proceeding, having taken jurisdiction over a child as to only one parent, may act on behalf of the adjudicated parent or as a “person in loco parentis of the child” under MCL 333.9215(2); at the behest of the adjudicated parent, on the court’s own initiative, or otherwise.
3. Whether and/or how, presuming an adjudicated parent retains rights to seek vaccination of a child under the trial court’s jurisdiction, or the trial court has the power to do so, the trial court should resolve a dispute between an adjudicated parent (or the court acting on behalf or in the stead of an adjudicated parent) and an unadjudicated parent as to vaccination under MCL 333.9215(2). The parties shall address the relevance, if any, of *Pierron v Pierron*, 486 Mich 81, 85; 782 NW2d 480 (2010), to a child protective proceeding.

None of the above shall be construed as limiting the parties from proposing other possibilities, discussing other authorities, or otherwise going beyond the scope of the required discussion. However, beyond the requirements specified above, this appeal shall be limited to the issues raised in the application and supporting brief. MCR 7.205(E)(4).

  
Presiding Judge

Meter, J. would deny respondent's application for leave to appeal.



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

August 20, 2020  
Date

  
Chief Clerk