

Order

Michigan Supreme Court
Lansing, Michigan

May 26, 2017

Stephen J. Markman,
Chief Justice

155152 & (54)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

In re HILL, Minors.

SC: 155152
COA: 332923
Alger CC Family Division:
2013-004455-NA

On order of the Court, the application for leave to appeal the December 27, 2016 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether this Court's opinion in *In re Hatcher*, 443 Mich 426 (1993), correctly held that the collateral attack rule applied to bar the respondent parent from challenging the court's initial exercise of jurisdiction over her on appeal from an order terminating parental rights in that same proceeding; (2) if not, (a) by what standard should courts review respondent's challenge to the initial adjudication, in light of respondent's failure to appeal the first dispositional order appealable of right, see MCR 3.993(A)(1), and (b) what must a respondent do to preserve for appeal any alleged errors in the adjudication, see e.g., *In re Hudson*, 483 Mich 928 (2009); and (3) if *Hatcher* was correctly decided, whether due process concerns may override the collateral bar rule. See, *In re Sanders*, 495 Mich 394 (2014); *In re Wangler*, 498 Mich 911 (2015). The parties should not submit mere restatements of their application papers.

The Family Law Section and Children's Law Section of the State Bar of Michigan, UDM Juvenile Appellate Practice Clinic, University of Michigan Law School Child Advocacy Law Clinic, and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.

The motion to appoint counsel is DENIED as moot.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 26, 2017


Clerk