

Court of Appeals, State of Michigan

ORDER

Kyle James Bristow v Ashley Elizabeth Bristow

Elizabeth L. Gleicher
Presiding Judge

Docket No. 333211

Kathleen Jansen

LC No. 2015-828063-DM

Deborah A. Servitto
Judges

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

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the trial court's May 9, 2016 order continuing the appointment of a lawyer-guardian ad litem for the minor child is VACATED and the matter REMANDED to the trial court. Under MCL 722.24(2) the court may appoint a lawyer-guardian ad litem to represent the child if "the court determines that the child's best interests are inadequately represented" The trial court appointed the lawyer-guardian ad litem without first determining whether the minor child's best interests were inadequately represented, and the record available does not indicate that the child's best interests would not be adequately represented through the efforts of the parties and their counsel. On remand the trial court shall determine whether the minor child's best interests are inadequately represented in the matter. If the trial court determines that the child's best interests are inadequately represented, then it may decide whether to appoint a lawyer-guardian ad litem to represent the minor child in these post-judgment divorce proceedings. This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.

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



JUL 15 2016

Date

Chief Clerk