

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In re MCCARRICK/LAMOREAUX, Minors.

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DEPARTMENT OF HUMAN SERVICES,

UNPUBLISHED  
February 18, 2014

Petitioner-Appellee,

and

JEMMA MCCARRICK, MAKAYLA  
LAMOREAUX, and ALEXANDER  
LAMOREAUX,

Appellees,

and

SAULT STE. MARIE TRIBE OF CHIPPEWA  
INDIANS,

Intervening-Appellee,

v

No. 315510  
Chippewa Circuit Court  
Family Division  
LC No. 13-014227-NA

MICHELLE MCCARRICK,

Respondent-Appellant,

and

JEREMY MCCARRICK and JAMES  
LAMMOREAUX,

Respondents.

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Before: SAWYER, P.J., and BORRELLO and BECKERING, JJ.

PER CURIAM.

In this child protection proceeding, respondent appeals from an order of the Chippewa Circuit Court Family Division removing her children, J.M., M.L., and A.L., from her care and custody. The children have Indian heritage and are enrolled members of the Sault Ste. Marie Tribe of Chippewa Indians (the Tribe), which has intervened in the matter. For the reasons set forth in this opinion, we dismiss the appeal for lack of jurisdiction.

On appeal, respondent argues that the court committed error in failing to properly address the “active efforts” standard set forth in the Michigan Indian Family Preservation Act, MCL 712B.1 *et seq.*, and by authorizing the continued placement of the children outside the home when petitioner failed to present sufficient evidence, supported by relevant expert witness testimony, that the children would be subject to a serious risk of emotional or physical harm if they remained in respondent’s care. However, petitioner’s appeal is premature. MCR 3.993(A)(1) establishes as final “an order of disposition placing a minor under the supervision of the court or removing the minor from the home.” Dispositional orders are governed by MCR 3.973, and dispositional hearings follow adjudication, which in turn often occur after the court decides to remove children from the parental home. This Court has plainly stated that pursuant to MCR 3.993(A)(1), the dispositional order is the first type of order in the chain of child protection proceedings that is subject to appeal by right to this Court. *In re SLH*, 277 Mich App 662, 668-669 n 13; 747 NW2d 547 (2008).<sup>1</sup>

However, because the order appealed from is neither an order of disposition placing a minor under the supervision of the court, nor an order of disposition removing the child from the home, it is not an order subject to appeal by right before this Court. And respondent did not appeal as of leave granted. Thus, this Court lacks jurisdiction over the appeal. In order to facilitate the swift resolution of child protective proceedings, we dismiss the appeal for lack of appellate jurisdiction.

/s/ David H. Sawyer  
/s/ Stephen L. Borrello  
/s/ Jane M. Beckering

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<sup>1</sup> Notably, this Court already dismissed a separate appeal from Jeremy McCarrick in the same case on these exact same grounds. See *In re J McCarrick Minor*, unpublished order of the Court of Appeals, entered September 16, 2013 (Docket No. 317403).