

Order

Michigan Supreme Court
Lansing, Michigan

December 5, 2018

Stephen J. Markman,
Chief Justice

158420

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

In re J. L. THOMAS, Minor.

SC: 158420
COA: 342183
Wayne CC Family Division:
17-002200-NA

On order of the Court, the application for leave to appeal the August 14, 2018 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to that court. On remand, while retaining jurisdiction, the Court of Appeals shall remand this case to the Wayne Circuit Court for further consideration. The trial court shall determine: (1) whether the trial court ordered a DNA test at Department of Health and Human Services expense, as stated by the referee, and, if so, whether the testing occurred; (2) whether the trial court extended the time for the putative father to establish paternity; and (3) whether the putative father was able to speak at the termination trial by speakerphone and whether he waived any issue regarding the DNA test or the establishment of paternity by not requesting an adjournment. At the conclusion of the hearing, the trial court shall forward the record and its findings to the Court of Appeals, which shall then reconsider these issues and the issues raised by the appellant in his brief on appeal.

We do not retain jurisdiction.



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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.

December 5, 2018

Clerk