

Order

Michigan Supreme Court
Lansing, Michigan

October 2, 2013

Robert P. Young, Jr.,
Chief Justice

147515 & (81)

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

In re COH, ERH, JRG, KBH, Minors.

SC: 147515
COA: 309161
Muskegon CC Family
Division: 08-036989-NA

On order of the Court, the motion to intervene is GRANTED. The application for leave to appeal the June 25, 2013 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the Court of Appeals erred in holding that there is a preference for relatives under MCL 712A.19c(2) when a circuit court decides whether to create a juvenile guardianship after parental rights have been terminated; (2) if such a preference exists, whether the paternal grandmother was entitled to that preference where her son's parental rights to the children had been terminated; (3) whether the Court of Appeals erred by not applying a clear error standard of review to the Muskegon Circuit Court Family Division's determination of the children's best interests pursuant to MCL 712A.19c; (4) whether the circuit court erred by using the best interests factors enumerated in MCL 722.23 of the Child Custody Act in deciding whether to grant the petition for a juvenile guardianship; and (5) whether the Court of Appeals erred by reversing the circuit court on the ground that it was improper to compare the foster parents with the proposed guardian, or erred on any other basis.

The Clerk of the Court is directed to place this case on the December 2013 session calendar for argument and submission. Appellant Department of Human Services' brief and appendix must be filed no later than November 4, 2013. Appellee Lori Scribner's brief and appendix, if appellee chooses to submit an appendix, must be filed no later than November 25, 2013. Intervenor Michigan Children's Institute's brief must be filed no later than November 25, 2013.

The Children's Law Section and the Family Law Section of the State Bar 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. Amicus curiae briefs are to be filed no later than December 2, 2013.



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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.

October 2, 2013

Clerk