

Court of Appeals, State of Michigan

ORDER

In Re Dalton Deandre Jackson Minor

Pat M. Donofrio
Presiding Judge

Docket No. 281594

Deborah A. Servitto

LC No. 2004-056305 NA

Jane M. Beckering
Judges

This matter was dismissed for lack of jurisdiction on November 21, 2007, based on the finding that respondent did not timely request counsel within 14 days of the date the trial court mailed notice under MCR 3.977(1)(I) to respondent's attorney. Respondent's motion for reconsideration was denied and respondent filed an application for leave to appeal with the Supreme Court. On March 26, 2008, in lieu of granting leave to appeal, the Supreme Court issued an order stating:

[W]e VACATE the November 21, 2007, and January 31, 2008 orders of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration of whether the Court of Appeals lacked jurisdiction over the respondent's claim of appeal. On remand, the Court of Appeals shall address the Macomb Circuit Court's decision to mail notice of the termination of the respondent's parental rights and the advice of appellate rights form to respondent's attorney, rather than to respondent, as required by MCR 3.977(I)(1).

On reconsideration of this matter on remand from the Supreme Court, the Court orders that the claim of appeal is REINSTATED. MCR 3.977(I)(1) directs that "the court shall advise the respondent..." This requirement was not satisfied when the trial court sent the required notice to respondent's attorney and the trial court erred in failing to send the notice to respondent. Respondent having requested counsel within 14 days of the date on which counsel forwarded the trial court's notice to him, the request was timely and this Court's jurisdiction of this appeal is established.

The time for making filings in this case begins to run on the date of the Clerk's certification of this order. The Clerk's Office is directed to immediately contact respondent's attorney to ensure that he is in possession of the transcripts that were filed with the trial court in December 2007.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 8 2008
Date

Sandra Schultz Mengel
Chief Clerk