Court of Appeals, State of Michigan

ORDER

Julianna Ellen Usitalo v Melissa Jo Landon

Docket No. 308240

LC No. 10-007690-DC

Donald S. Owens
Presiding Judge

Peter D. O'Connell

Amy Ronayne Krause
Judges

The Court orders that the motion to affirm pursuant to MCR 7.211(C)(3) is DENIED for failure to persuade the Court that it is manifest that the questions to be reviewed are so unsubstantial as to need no argument or formal submission or were not properly raised.

Ronayne Krause, J., respectfully dissents. It is clear that this matter is, in substance, merely an attempt to collaterally attack an adoption. Adoptions are simply not subject to collateral attacks unless the court that granted the adoption is affirmatively shown to have lacked subject-matter jurisdiction. Slattery v Hartford-Connecticut Trust Co, 254 Mich 671, 675; 236 NW 902 (1931). Even then, parties to the adoption proceedings may be unable to collaterally challenge the adoption. In re Gunn's Estate, 227 Mich 368, 373-374; 198 NW 983 (1924). This Court has only specifically addressed collateral attacks on adoptions involving two adoptive parents of the same sex in an unpublished opinion, but I believe that opinion was correctly reasoned and its conclusion is clearly mandated by the existing law cited in that case: such adoptions are, as with any other adoption, likewise not subject to collateral attack. Hansen v McClellan, unpublished opinion per curiam of the Court of Appeals, issued December 7, 2006 (Docket No. 269618). Because the gravamen of the issue is nothing more than whether an adoption can be collaterally attacked, which the trial court correctly refused to permit, I am persuaded that the question to be reviewed is manifestly so unsubstantial that no argument or formal submission is necessary. MCR 7.211(C)(3)(a). I would therefore GRANT the motion to affirm.

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG 2 2 2012
Date

Chief Clerk