

# Court of Appeals, State of Michigan

## ORDER

In re Hill/Smith Minors

Docket No. 313897

LC Nos. 12-052351-NA; 12-052353-NA

David H. Sawyer  
Presiding Judge

William B. Murphy, C.J.

Joel P. Hoekstra  
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court PEREMPTORILY REVERSES the decision of the trial court to assume jurisdiction over the children and VACATES the October 22, 2012, orders of adjudication. The trial court erred in assuming jurisdiction over the children based on the plea of admission entered by the children's father. The allegations contained in the jurisdictional petition do not allege an offense committed by the father against his children, i.e., an act or omission amounting to abuse, neglect or abandonment that would provide a ground to bring the children within the jurisdiction of the court as set forth in MCL 712A.2(b). Thus, the allegations admitted by the father do not establish an act or omission on his part that constitutes a ground for bringing his children within the jurisdiction of the court. For these reasons, the father is actually only a party to this action; he is not a respondent as defined in MCR 3.903(C)(10). *In re SLH, AJH and VAH*, 277 Mich App 662, 669-670; 747 NW2d 547 (2008). Because only a respondent may enter a plea and the father was not a respondent, he could not enter a plea. *Id.* at 670; *In re Bechard*, 211 Mich App 155, 160-161; 535 NW2d 220 (1995). Therefore, the father's plea is invalid and could not be used to establish jurisdiction. The matter is REMANDED to the trial court. The trial court may reopen proofs on the issue of jurisdiction and consider whether the acts and admissions of respondent mother establish a ground to assume jurisdiction. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

JAN 28 2013

Date

  
Chief Clerk