

Court of Appeals, State of Michigan

ORDER

In re Mitchell Minors

Docket No. 320419

LC No. 11-000806-NA; 11-000807-NA; 11-000808-NA

Christopher M. Murray
Presiding Judge

Peter D. O'Connell

Stephen L. Borrello
Judges

In light of our Supreme Court's recent decision that it is an unconstitutional deprivation of a parent's fundamental rights under the Fourteenth Amendment of the United States Constitution for the circuit court to enter dispositional orders affecting the rights of a parent without first finding the parent unfit in a separate adjudicative proceeding which determined the trial court's jurisdiction of the child with respect to that parent's actions or inactions under MCL 712A.2(b), and because an order terminating parental rights is a dispositional order, and because respondent-appellant Jeremy Jay Mitchell was not afforded such a separate adjudication in this case, and because the prosecution has confessed the error in this case, the Court orders that the trial court's order terminating Jeremy Jay Mitchell's parental rights with respect to his three (3) minor children is REVERSED, and the matter is remanded to the trial court for further proceedings consistent with this order. *In re Sanders*, ___ Mich ___; ___ NW2d ___ (2014).

The Court orders that the motion for guidance is DENIED as moot.

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUN 20 2014

Date

Jerome W. Zimmer Jr.
Chief Clerk