

# Order

Michigan Supreme Court  
Lansing, Michigan

March 23, 2011

Robert P. Young, Jr.,  
Chief Justice

142566 & (67)

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

In re MAYS, Minors.

SC: 142566  
COA: 297447  
Wayne CC Family Division:  
09-485821

On order of the Court, the application for leave to appeal the November 23, 2010 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 Wayne Circuit Court, Family Division, erred in ordering the respondent-father to comply with a treatment plan in the absence of an adjudication of unfitness; (2) whether the so-called “one parent” doctrine, first adopted in *In re CR*, 250 Mich App 185 (2001), should be upheld; (3) whether the respondent-father’s challenge to the trial court’s assumption of jurisdiction constitutes an improper collateral attack on the trial court’s exercise of jurisdiction, where he had an opportunity to bring a direct appeal from the trial court’s initial dispositional order, which required him to comply with a treatment plan, but he did not do so, see *In re Hatcher*, 443 Mich 426, 444 (1993); MCR 3.993(A)(1); (4) whether the trial court committed plain error in failing to hold a permanency planning hearing before directing the petitioner to file a supplemental petition seeking termination; (5) whether the trial court clearly erred in finding that clear and convincing evidence was presented to support termination under at least one of the statutory grounds alleged, MCL 712A.19b(3)(c)(i), (g), or (j); and (6) whether the trial court clearly erred in finding that termination was in the children’s best interests, MCL 712A.19b(5), without determining whether the children were of a sufficient age to give their views regarding termination, MCL 712A.19a(3), and without considering whether termination was appropriate given that the children were being cared for by a relative, MCL 712A.19a(6)(a).

We further ORDER that this case be argued and submitted to the Court together with the case of *In re Mays* (Docket No. 142568), at such future session of the Court as both cases are ready for submission.

The motion for leave to file brief amici curiae is GRANTED. 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.



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I, Corbin R. Davis, 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.

March 23, 2011

*Corbin R. Davis*

Clerk