Order

Michigan Supreme Court
Lansing, Michigan

February 2, 2022

Bridget M. McCormack,
Chief Justice

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

163725

In re SMITH-TAYLOR, Minors.

SC: 163725
COA: 356585
Wayne CC Family Division:
2019-002165-NA

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On order of the Court, the application for leave to appeal the October 14, 2021 judgment of the Court of Appeals is considered. We DIRECT the petitioner Department of Health and Human Services to answer the application for leave to appeal within 28 days after the date of this order. In particular, the Department shall address: (1) whether the record supports a finding that, as to the respondent, "[t]here is a judicial determination that the parent has subjected the child to aggravated circumstances," MCL 712A.19a(2)(a); (2) whether, absent such a finding, the Department satisfied its obligation to make "[r]easonable efforts to reunify the child and family" under MCL 712A.19a(2) despite its failure to provide the respondent with a case plan, see *In re Mason*, 486 Mich 142, 152 (2010); and (3) whether the Court of Appeals correctly determined that the respondent had to object to the lack of services provided in order to preserve the reasonable-efforts issue, even though the Department did not provide a case plan that would have set forth the services to be provided.

We further invite the children's lawyer-guardian ad litem to answer the application for leave to appeal within the same time period.

The application for leave to appeal remains pending.

s0126

I, Larry S. Royster, 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.

February 2, 2022

Clerk