Court of Appeals, State of Michigan

ORDER

IN RE A N LEWIS MINOR; IN RE N L PITTS MINOR

Docket No. 376739; 376740

LC No. 2024-000803-NA; 2024-000804-NA

Kathleen A. Feeney
Presiding Judge

Stephen L. Borrello

Anica Letica
Judges

The Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court so that court can determine if portions of the testimony are missing from the current record and to reconstruct any missing testimony. Proceedings on remand are limited to the issues raised in the motion to remand. This Court retains jurisdiction.

Appellee Department of Health and Human Services shall make an appropriate filing in the trial court within 14 days after the date of this order. The time for further proceedings in this appeal shall begin to run on the issuance of an order in the trial court that concludes the remand proceedings. However, if appellee fails to file a motion to initiate the proceedings within the time provided, the time for further proceedings in this appeal shall begin to run at the conclusion of the 14-day period. Appellee shall file with this Court a copy of any motion and supporting brief filed in the trial court, and appellee shall file a copy of any order entered within 14 days after its entry.

The trial court shall hear and decide the matter within 28 days of the date of this order. The trial court shall make an appropriate determination on the record. The trial court shall cause a transcript of any proceedings on remand to be prepared and filed within 21 days after completion of the proceedings. Appellant may file a supplemental brief within 21 days after the court's decision disposing of all issues on remand or the filing of the transcript of all proceedings held on remand, whichever occurs later.

Kathleen A. Feeney

Presiding Judge

Borrello J., dissents. Counsel for Petitioner has repeatedly violated MCR 7.212(A)(2)(a)(i) through a pattern of improper late filings with this Court. In the present matter, acting on behalf of DHHS, counsel has failed to submit the required affidavit or offer of proof mandated by MCR 7.211(C)(1)(a), which

explicitly requires that "[a] motion under this subrule must be supported by affidavit or offer of proof regarding the facts to be established at a hearing." In light of counsel's failure to satisfy the requirements of MCR 7.211(C)(1)(a), I would DENY Petitioner's request for remand.

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

January 16, 2026

Date

Chief Clerk