

Order

Michigan Supreme Court
Lansing, Michigan

March 17, 2022

Bridget M. McCormack,
Chief Justice

163807 & (68)

Brian K. Zahra

David F. Viviano

In re BABY BOY DOE, Minor.

Richard H. Bernstein

Elizabeth T. Clement

Megan K. Cavanagh

Elizabeth M. Welch,

Justices

PETER KRUITHOFF,
Petitioner-Appellee/Cross-Appellee,

v

SC: 163807

COA: 353796

Kalamazoo CC Family Division:
2018-006540-NB

CATHOLIC CHARITIES OF WEST MICHIGAN,
Respondent-Appellant,

and

ADOPTIVE PARENT NUMBER 1 AND
ADOPTIVE PARENT NUMBER 2,
Appellees/Cross-Appellants.

On order of the Court, the application for leave to appeal the August 26, 2021 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. We direct the Clerk to schedule oral argument on the applications for May 4, 2022. MCR 7.305(H)(1). The parties may file supplemental briefs by 5:00 p.m. on April 14, 2022, addressing: (1) whether a complaint for divorce that seeks custody of an unborn child qualifies as a petition to gain custody of a newborn under the Safe Delivery of Newborns Law (SDNL), MCL 712.1 *et seq.*, which requires the petition of a nonsurrendering parent to be filed “[n]ot later than 28 days after notice of surrender of a newborn has been published,” MCL 712.10(1); and (2) whether the application of the SDNL violates the due process rights of an undisclosed father. See *In re Sanders*, 495 Mich 394 (2014). Each party may file a response brief by 5:00 p.m. on April 27, 2022. MCR 7.314(B)(1). The time allowed for oral argument shall be 15 minutes for petitioner, 15 minutes for respondent, and 15 minutes for cross-appellants.

The Family Law Section of the State Bar of Michigan is invited to file a brief 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. Amicus curiae briefs shall be filed by 5:00 p.m. on April 27, 2022.



t0316

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.

March 17, 2022

Clerk