

Order

Michigan Supreme Court
Lansing, Michigan

November 4, 2022

Bridget M. McCormack,
Chief Justice

164519

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

In re BAIRD/WHITE, Minors.

SC: 164519
COA: 358180
Roscommon CC Family Division:
20-725143-NA

On order of the Court, the application for leave to appeal the May 19, 2022 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE Part III.B of the judgment of the Court of Appeals addressing the respondent-mother's claim of ineffective assistance of trial counsel. We REMAND this case to the Court of Appeals which, while retaining jurisdiction, shall remand this case to the Roscommon Circuit Court to allow the respondent-mother to discover AW's medical records and to conduct an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436 (1973). At the conclusion of the hearing, the circuit court shall forward the record and its findings to the Court of Appeals, which shall address the issues presented by the respondent-mother. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should now be reviewed by this Court.

We do not retain jurisdiction.

ZAHRA and VIVIANO, JJ., would deny leave to appeal.



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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.

November 4, 2022

Clerk