

Order

Michigan Supreme Court
Lansing, Michigan

March 22, 2019

Bridget M. McCormack,
Chief Justice

158854

David F. Viviano,
Chief Justice Pro Tem

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

In re I.M. LONG, Minor.

SC: 158854
COA: 344326
Oakland CC Family Division:
2017-849503-NA

On order of the Court, the application for leave to appeal the November 20, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The petitioner-appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the Court of Appeals clearly erred in reversing the trial court's decision to exercise jurisdiction over the minor child pursuant to MCL 712A.2(b)(2), where the child was living with a guardian and there was no evidence that the guardian's home was unfit, yet there was evidence that the respondent-father is incarcerated and had a history of criminal conduct; (2) whether the Court of Appeals clearly erred in reversing the trial court's additional decision to exercise jurisdiction over the minor child pursuant to MCL 712A.2(b)(6), based on the respondent-father's conduct in the two years preceding the filing of the petition when he was a putative, not legal, father; and (3) whether the trial court's reliance on *In re LE*, 278 Mich App 1 (2008), was misplaced. In addition to the brief, the petitioner-appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The respondent-appellee shall file a supplemental brief within 21 days of being served with the petitioner-appellant's brief. The respondent-appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the petitioner-appellant. The lawyer-guardian ad litem for the minor child is invited to file a supplemental brief within 21 days of being served with the petitioner-appellant's brief. A reply, if any, must be filed by the petitioner-appellant within 14 days of being served with the respondent-appellee's brief. The parties should not submit mere restatements of their application papers.

The Children's Law and Family Law Sections of the State Bar of Michigan, the UDM Juvenile Appellate Practice Clinic, and the University of Michigan Law School Child Advocacy Law Clinic 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.



s0319

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 22, 2019

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk