STATE OF MICHIGAN

COURT OF CLAIMS

KRISTINA MARIE DELGADO,

Plaintiff,

v

Case No. 25-000144-MM

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Hon. Sima G. Patel

Defendant.
_____ /

ORDER DENYING PLAINTIFF'S 10/4/25 MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE AND DISMISSING THE COMPLAINT WITH PREJUDICE

Plaintiff did not file a notice of intent before filing suit against defendant on September 1, 2025, contending that defendant violated her due process rights in a child protective proceeding. Plaintiff's claim accrued on January 4, 2024—the date on which the circuit court terminated her parental rights. In her September 4, 2025 amended complaint, plaintiff conceded that she filed suit beyond the one-year notice period of MCL 600.6431. Plaintiff argued that she was entitled to tolling as she was declared mental incapacitated on December 22, 2024, 13 days before the expiration of the notice period. Plaintiff has not provided any order declaring her incapacitation or identified when any such order was lifted.

On October 4, 2025, plaintiff moved to voluntarily dismiss her complaint *without prejudice* because she is moving out of the country. The Court cannot grant that request as plaintiff's complaint in this action was not timely filed and the action must be dismissed *with prejudice*.

Accordingly, it is ordered:

1. Plaintiff's October 4, 2025 motion to voluntarily dismiss her complaint without prejudice is DENIED.

2. Plaintiff's September 1, 2025 complaint and September 4, 2025 amended complaint are DISMISSED with prejudice.

3. This is a final order resolving all issues in this case.

Date: October 7, 2025

Sima G. Patel
Judge, Court of Claims