

Order

Entered: April 29, 2002

120096

**Michigan Supreme Court
Lansing, Michigan**

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PETER MOLLOY,

Plaintiff-Appellant,

v

WENDY MOLLOY,

Defendant-Appellee.

SC: 120096
COA: 224179
Wayne CC: 98-835819
DM

On order of the Court, the Court having granted leave to appeal and heard oral argument in this matter, we ORDER as follows: we AFFIRM the decision of the Court of Appeals with the exception of Section III. We VACATE that section and any other statement in the opinion insofar as it holds that all future *in camera* interviews with children in custody cases "shall be recorded." We are unable to determine on the present record whether Const 1963, art 1, § 17 or U.S. Const, amd XIV, § 1 mandate such a requirement. Accordingly, and coincident with this order, this Court is opening an administrative file to examine the extent to which, and the procedures by which, *in camera* testimony may be taken in custody cases. Persons interested in addressing the Court regarding this matter should refer to Administrative File No. 02-13. This case is remanded to the trial court for further proceedings, consistent with the decision of the Court of Appeals.