

Order

Michigan Supreme Court
Lansing, Michigan

January 24, 2025

167745

Elizabeth T. Clement,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

In re BARBER/ESPINOZA, Minors.

SC: 167745
COA: 369359
Lenawee CC Family Division:
23-000033-NA

On order of the Court, the application for leave to appeal the September 19, 2024 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 parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing: (1) whether reasonable efforts to reunify the child and the respondent must be made where the respondent was not the perpetrator of criminal sexual conduct involving penetration, but instead facilitated, encouraged, or allowed such conduct by a third party in exchange for some benefit to the respondent, see MCL 712A.19a(2)(a), MCL 722.638(1) and (2); (2) if so, whether the lack of reasonable reunification efforts in this case was plain error affecting the respondent's substantial rights, see generally *In re Ferranti*, 504 Mich 1, 29 (2019); (3) whether the Department of Health and Human Services satisfied the requirements of MCL 722.638(3); (4) if so, whether the termination of the respondent's parental rights should be affirmed under that provision; and (5) whether the failure to advise the respondent of her right to appeal following the preliminary hearing was plain error affecting the respondent's substantial rights, see MCR 3.965(B)(15).

The Family Law and Children's Law Sections of the State Bar of Michigan, the Legal Services Association of Michigan, the Michigan State Planning Body for Legal Services, the Prosecuting Attorneys Association of Michigan, and the University of Detroit Mercy Law Juvenile Appellate Practice 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.

THOMAS, J., not participating because she may have independent knowledge regarding this case.



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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.

January 24, 2025

Clerk