

MICHIGAN SUPREME COURT

In re Mays, Minors

In re Mays · No. SC: 142568 · Decided January 27, 2012

SUMMARY

The Michigan Supreme Court affirmed the finding that clear and convincing evidence supported at least one statutory ground for terminating the respondent mother's parental rights, but reversed the determination that termination was in the children's best interests. The Court held that the factual record was inadequate because the trial court did not consider the children's placement with their maternal grandmother and remanded for further proceedings. Justice Markman dissented, concluding that the termination proceedings and best-interests determination were adequate.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Robert P. Young, Jr., Chief Justice; Michael F. Cavanagh; Marilyn Kelly; Stephen J. Markman; Diane M. Hathaway; Mary Beth Kelly; Brian K. Zahra
JURISDICTION	Michigan
DECIDED	January 27, 2012
DOCKET	SC: 142568
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Michigan Supreme Court granted leave to appeal from a Michigan Court of Appeals judgment affirming a Wayne Circuit Court order terminating respondent mother's parental rights.
STANDARD OF REVIEW	Clear-error review of the trial court's findings concerning statutory grounds for termination and the children's best interests.
PRECEDENTIAL VALUE	Published Michigan Supreme Court opinion
PARTIES	Respondent mother

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court clearly erred in finding that clear and convincing evidence supported at least one statutory ground for termination under MCL 712A.19b(3).
2. Whether the trial court clearly erred in finding that termination of respondent mother's parental rights was in the children's best interests under MCL 712A.19b(5).
3. Whether the Supreme Court should reach respondent's claim concerning the sufficiency of the permanency-planning hearing under MCL 712A.19a.

HOLDINGS

1. The trial court did not clearly err in finding that clear and convincing evidence supported termination under at least one of the alleged statutory grounds.
2. The trial court clearly erred in finding that termination was in the children's best interests because the factual record was inadequate to support that determination, particularly because it did not show consideration of the children's placement with their maternal grandmother.
3. The Court declined to reach respondent's claim concerning the sufficiency of the permanency-planning hearing because that issue was not among the claims raised in respondent's Court of Appeals appeal.

KEY QUOTATIONS

“The factual record in this case is inadequate to make a best interests determination.”

FACTUAL BACKGROUND

The Wayne Circuit Court terminated respondent mother's parental rights after finding that clear and convincing evidence supported at least one statutory ground for termination and that termination was in the children's best interests. The children were placed with their maternal grandmother. The Michigan Supreme Court concluded that the factual record did not show that the trial court considered whether termination was appropriate in light of that relative placement.

PROCEDURAL HISTORY

The Wayne Circuit Court, Family Division, terminated respondent mother's parental rights on March 30, 2010. The Michigan Court of Appeals affirmed on November 23, 2010, concluding that clear and convincing evidence supported at least one statutory ground for termination and that termination was in the children's best interests. The Michigan Supreme Court affirmed the statutory-grounds ruling, reversed the best-interests ruling, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Wayne Circuit Court, Family Division, for further proceedings not inconsistent with the order. The Supreme Court did not retain jurisdiction.

CASES CITED

- In re Mason, 486 Mich 142, 164 (2010)
- In re Trejo Minors, 462 Mich 341, 353 (2000)
- In re Trejo Minors, 462 Mich 341, 356 (2000)
- 489 Mich 857 (2011)

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