

MICHIGAN SUPREME COURT

In re Ferranti, Minor

SC No. 157907-8; COA Nos. 340117 and 340118 · No. SC No. 157907-8; COA Nos. 340117 and 340118;
Otsego CC Family Division No. 13-000071-NA · Decided July 5, 2018

SUMMARY

The Michigan Supreme Court directed oral argument on whether to grant the appellants' application for leave to appeal or take other action in a child protective proceeding involving termination of parental rights. The Court requested supplemental briefing on collateral attacks to the initial adjudication, preservation and review standards, due process, trial-court home visits, and in-chambers interviews of children.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Stephen J. Markman, Chief Justice; Brian K. Zahra; Bridget M. McCormack; David F. Viviano; Richard H. Bernstein; Kurtis T. Wilder; Elizabeth T. Clement
JURISDICTION	Michigan
DECIDED	July 5, 2018
DOCKET	SC No. 157907-8; COA Nos. 340117 and 340118; Otsego CC Family Division No. 13-000071-NA
DISPOSITION	other
PROCEDURAL POSTURE	The Michigan Supreme Court considered an application for leave to appeal from the Michigan Court of Appeals' May 10, 2018 judgment and directed the Clerk to schedule oral argument on whether to grant the application or take other action.
PRECEDENTIAL VALUE	Procedural order directing supplemental briefing and oral argument; no merits holding stated.
PARTIES	Respondent-parents

TOPICS

termination of parental rights family law procedure appellate procedure due process preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether *In re Hatcher* correctly held that the collateral-attack rule bars respondent-parents from challenging the court's initial exercise of jurisdiction on appeal from an order terminating parental rights in the same proceeding.
2. If *Hatcher* was incorrectly decided, what standard governs review of a challenge to the initial adjudication when the respondents did not appeal the first dispositional order appealable as of right, and what steps are required to preserve alleged adjudication errors for appeal.
3. If *Hatcher* was correctly decided, whether due-process concerns may override the collateral-bar rule.
4. Whether a trial court may visit a respondent's home to observe its condition and, if so, what parameters govern such a visit.
5. Whether a trial court may interview a child who is the subject of child-protective proceedings in chambers and, if so, what parameters govern such an interview.

KEY QUOTATIONS

"We direct the Clerk to schedule oral argument on whether to grant the application or take other action." (at 1-2)

FACTUAL BACKGROUND

The order concerns child-protective proceedings involving a minor and the termination of parental rights. The order itself does not recite substantive facts about the family or the alleged conditions supporting the proceedings.

PROCEDURAL HISTORY

The matter arose from child-protective proceedings in the Otsego County Circuit Court Family Division, case No. 13-000071-NA. After the Court of Appeals entered judgment on May 10, 2018, the respondent-parents sought leave to appeal in the Michigan Supreme Court. The Supreme Court ordered supplemental briefing and invited amicus briefs concerning jurisdictional, preservation, due-process, home-visit, and in-chambers child-interview issues.

DISPOSITION

other

CASES CITED

- *In re Hatcher*, 443 Mich 426 (1993)
- *In re Hudson*, 483 Mich 928 (2009)
- *In re Sanders*, 495 Mich 394 (2014)

- In re Wangler, 498 Mich 911 (2015)

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