

Order

Michigan Supreme Court
Lansing, Michigan

November 2, 2007

134801

In re ERIC SCOTT ENGLE, ANNA
MORIAH ENGLE, JOY CHRISTINA
ENGLE, EMILY MARIE ENGLE,
CHRISTOPHER CHARLES ENGLE,
and TABITHA JOSIAH ENGLE, Minors.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Appellant,

v

IRENE LENORA ENGLE,
Respondent-Appellee.

SC: 134801
COA: 275064
Oakland CC
Family Division: 05-713431-NA

On order of the Court, the application for leave to appeal the August 9, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, and we REINSTATE the November 21, 2006 opinion, and November 27, 2006 order of the Oakland Circuit Court, Family Division, terminating respondent-mother's parental rights to the minor children. The Court of Appeals misapplied the clear error standard by substituting its judgment for that of the trial court, MCR 2.613(C); *In re Miller*, 433 Mich 331 (1989), failed to acknowledge that the applicable statutes and court rules do not require efforts for reunification or provision of services under the circumstances of this case, see, e.g., MCL 722.638(1)(a)(ii) and (2); MCL 712A.19a(2)(b); MCR 3.965(D)(2), and rendered a decision that was contrary to the clear and convincing evidence supporting the statutory grounds for termination and the best interests of the minor children, MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341 (2000). We REMAND this case to the Oakland Circuit Court, Family Division, for further proceedings not inconsistent with this order.

We do not retain jurisdiction.



d1030

I, Corbin R. Davis, 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.

November 2, 2007

Corbin R. Davis

Clerk