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IN THE MICHIGAN SUPREME COURT
Appeal from the Michigan Court of Appeals
Hoekstra, PJ, and Sawyer and Gleicher, JJ

Sanilac
J. Monaghan

IN ~~THE MATTER OF~~
WANGLER/PASCHKE
Minors ~~children~~

Circuit Court No. 07-035009-NA
Court of Appeals No. 318186
Supreme Court No. Publ opn 5-27-14

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IP

NOTICE OF HEARING

APPLICATION FOR LEAVE TO APPEAL

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RESPONDENT-MOTHER'S APPLICATION FOR LEAVE TO APPEAL

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Dated: June 24, 2014

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STATEMENT OF ORDER APPEALED FROM AND RELIEF SOUGHT

Respondent-Appellant, Melissa Paschke, appeals the trial court's order dated July 16, 2013, terminating the parental rights to her three minor children. The trial court erred because the court terminated the rights to her minor children without ever properly adjudicating her.

Because child protective proceedings implicate constitutionally protected liberty interests, our Supreme Court promulgated court rules designed to safeguard parents' due process rights. One rule, MCR 3.971, addresses the procedures that control a court's assumption of jurisdiction over the child. Before a court may exercise jurisdiction based on a parent's plea, it must satisfy itself that the parent knowingly, understandingly, and voluntarily waived certain rights. MCR 3.971(C)(1). Here, no dialogue between court and parent took place. The mediation procedure employed as a substitute for an adjudicative trial improperly bypassed the due process protections enshrined in the court rules. Thus, the court never obtained jurisdiction.

The Court of Appeals denied Ms. Paschke's Appeal by Right See *In re Wangler/Paschke*, **in a split published opinion** of the Court of Appeals, entered on May 27, 2014 (Docket No. 318186), Exhibit 1. Ms. Paschke is requesting that in lieu of granting application that this Court reverse the Majority's Opinion in *In Re Wangler/Paschke* and enter an order adopting Judge Elizabeth Gleicher's dissenting opinion. This case is appropriate for Supreme Court review because the Majority Opinion in *In re Wangler/Paschke* sanctions an inappropriate practice of holding

adjudication pleas in abeyance for time period in excess of eleven months and then misapplies the collateral attack rule laid down in *In re Hatcher*, 443 Mich 426, 433; 505 NW2d 834 (1993) to preclude any appellate review of this process.

This Court should grant Ms. Paschke's Application for Leave to Appeal because the procedure of holding a written plea in abeyance for a period of eleven months and then accepting the plea after the respondent parent has been participating in the dispositional phase is an issue of first impression and the majority decision reached by the Court of Appeals is clearly erroneous and will cause material injustice MCR 7.302(B)(6).

STATEMENT OF QUESTIONS PRESENTED

I. **Does the acceptance of an eleven month old signed mediation agreement taken thirteen months after the filing of the Original Petition and without the presence of the Respondent Parent in the courtroom constitute an invalid adjudication that violates the due process rights of a Respondent Parent.**

The trial court answered "No" to the question.
Respondent-Appellant answers "Yes" to the question.
The Court of Appeal's majority opinion did not answer the question.

II. **Did the Court of Appeals misapply this Court's ruling in *In Re Hatcher?***

The trial court did not answer this question.
Respondent-Appellant answers "Yes" to the question.
The Court of Appeals answered "NO" to the question.

STATEMENT OF THE BASIS OF JURISDICTION

This is an application for leave to appeal after a decision by the Michigan Court of Appeals.

This Court has jurisdiction pursuant to Const 1963, art 6, §4; MCL 600.212; MCL 600.215(3); and MCR 7.301(A)(2) to review by appeal a case after a decision by the Court of Appeals.

On September 11, 2013, a Claim of Appeal and Order Appointing Appellate Counsel was filed with the Michigan Court of Appeal. On May 27, 2014, the Court of Appeals denied Ms. Paschke appeal of by right following the trial court's termination of her parental rights. This timely application is being filed within 28 days of the Court of Appeals' decision. MCR 7.302(C)(2).

STATEMENT OF MATERIAL PROCEEDINGS AND FACTS

Appellant Melissa Paschke, hereinafter "Respondent Mother" appeals the Honorable John R. Monaghan's July 16, 2013 Order terminating her parent rights to her three minor children: Jamie Wangler (17 years of age, DOB: 12/05/1995), Joshua Wangler (14 years of age, DOB: 4/11/1999), and Marissa Paschke (11 years of age, DOB: 12/17/2002).

The Original Petition of Abuse and Neglect dated January 11, 2012 alleged that Respondent Mother had an opiate addiction and was the victim of domestic violence at the hands of an individual named Matt Brown.

A preliminary hearing was held on January 11, 2012. The children's placement was continued with the maternal aunt and The Department of Human Services, hereinafter "DHS", was given the discretion to determine nature and level of visitation with the Respondent Mother. The Petition was continued until January 19, 2012 to allow Respondent Mother to obtain counsel.

The preliminary hearing continued on January 19, 2012 and Respondent Mother was appointed counsel. On the advice of counsel, Respondent Mother waived her right to a probable cause hearing and agreed to take random drug screens and substance abuse classes. The children remained in foster care. Respondent Mother also agreed that Matt Brown would be removed from the home and was not return to her residence. Following the preliminary hearing, the Petition alleging abuse and neglect was authorized and the matter was scheduled for mediation.

On February 28, 2012, the parties participated in mediation in an attempt to bypass the jury trial/adjudication stage of the proceedings. The mediation agreement stated:

> "a) Based on the agreement of all parties, the mother's Plea of Admission and the issue of jurisdiction will be held in abeyance for a period of six months.

b) Mother agrees to a DHS Service Plan which includes:
   i) Residential treatment if approved
   ii) Outpatient services
   iii) Random drug screens
   iv) No Contact Order with Matthew Brown

c) Mother's visitation shall be at the supervision level, duration and frequency as determined by D.H.S.

d) Any necessary communication between Melissa and Matthew Brown in regards to transportation will be done through a DHS approved individual.

e) Request the Court set a review hearing within 90 days."

The mediation agreement is attached as **Exhibit 1.**

The parties never went before a judge or a referee nor was the plea taken by the trial court. The Respondent Mother signed a plea form **(Attached as Exhibit 2)** which indicated that she admitted to the following paragraphs of the original Petition of Abuse and Neglect[1]:

> "8. On November 22, 2011 a Childrens Protective Services case was opened due to Domestic Violence and drug abuse. At this time Melissa Paschke acknowledged an addiction to heroin, and a history of domestic violence in her relationship with Matthew Brown.
>
> * * *
>
> 13. At the time of this filing, Melissa Paschke has failed to provide any verification of attendance and/or completion of in-patient treatment for her substance addiction.
>
> 14. On December 28, 2011 Melissa Paschke was involved in a domestic dispute with her boyfriend, Matthew Brown. During that dispute, Mr. Brown struck Ms. Paschke in the face causing bruising and a swollen eye. Ms. Paschke contacted her sister Katie Wilson to request assistance; upon retrieving Melissa, Ms. Wilson noted that Ms. Paschke had bruising to her face and a swollen eye and Melissa acknowledged this was from Matt Brown."[2]

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[1] See Entry of Plea form dated February 28, 2012.
[2] See Petition of Abuse and Neglect dated January 11, 2012.

A review hearing was held on May 3, 2012. Respondent Mother was not present at the review hearing. The Department of Human Services worker, Lane Smith, stated that for the six weeks prior to the May 3, 2012 review hearing the Respondent Mother has been unavailable and has not participated in the drug testing since the first week of February. Lane Smith indicated that he is substituting in for the DHS worker that was handling the case and indicated that he did not know the whereabouts of the Respondent Mother, just that the case worker currently assigned to the case has been unable to make contact with her for the last six weeks by phone.

Again, the Respondent Mother was not present at the August 2, 2012 review hearing. The DHS worker, Ms. Holtrop, indicated that Respondent Mother has been to counseling three times and that her counsel has referred her to a women's shelter. Ms. Holtrop summarized the counselors status report for the court. It was reported that Respondent Mother still was missing drug screens. Following this review hearing the court suspended Respondent Mother's parenting time until she was able to submit to 60 straight days of negative drug testing.

The next dispositional review hearing was held on November 1, 2012. Respondent Mother was present and represented by counsel at this hearing. At the hearing, the DHS worker, Ms. Holtrop, testified that her first contact with Respondent Mother was in the beginning of September 2012 in the Sanilac County Jail. She stated that Ms. Holtrop testified that Respondent Mother was released on October 10, 2012 and contacted the foster care worker and was referred for services. Respondent Mother was enrolled in counseling, given a parenting mentor and was administered a daily drug screen. Respondent Mother also became involved with an NA support group in her area. As of the court date (November 1, 2012), Ms. Holtrop testified that Respondent Mother has been compliant. She testified that she did have a drug screen, but tested

positive for benzodiazepines. The foster care worker testified that this could be the result of her prescription medication, but the foster care worker had not had a chance to investigate.

At the next review hearing on January 31, 2013, Exhibit 18 was entered into evidence which showed that the Respondent Mother was not present in court at the previous hearing due to the fact that she was incarcerated in the Wayne County Jail for a violation of the terms of her tether. The letter authored on December 18, 2012 indicated that she will be incarcerated until **at least** December 26th, if not longer.

At the January 31, 2013 review hearing, the Petitioner and Judge Clabuesch realized that although the case has been open for over a year, at no time had the court assumed jurisdiction over these minor children nor had the original Petition been adjudicated. The prosecutor stated:

> "MR. SCOTT: Your Honor, we did a mediation agreement back, I believe it was the 28th of February, where mother gave a plea but it was held in abeyance for a period of time and at that time it appeared she was going to participate in services and she's done some things along the way, but since probably the middle part of August she's just dropped off the face of the earth and we've not really – nobody's asked the Court to assume jurisdiction. I would assume that Ms. Holtrop is going to ask you to do that today so that we can proceed – she's going to be asking you to allow her to proceed toward termination as well with the mother."[3]

The Court then addresses the matter and issues its findings regarding jurisdiction and states:

> "THE COURT: Okay, then here's what I'm gonna do, I'm gonna – if there hasn't been an established jurisdictional level, based on the mediation, I will take at this point, formal jurisdiction as an Act 87 ward. I think there probably is an order or something to that effect in the file, but if there's not, there will be as of today based on the – on the – on the stipulated mediation results. That's

[3] Tr pg 6-7, Dispositional Review Hearing of January 31, 2013.

> the purpose, my understanding, of the mediation was to avoid the need for a Jury trial and findings and putting people through that. Now, the failure to comply since August by – by the mother is a post-mediation event, so I think that I can go back and say that we have a basis for placement. I think it is contrary to the best interest of the children to be in the home based on the content of the petition. I think that reasonable efforts are being made right now to put everybody back together, based on the reports that I have through exhibits one through twenty, and I will find that the fathers in each case have had – are making progress."[4]

There was not a prior order finding formal adjudication and Judge Clabuesch signed an order state "Based upon the Stipulated Mediation Resolution, the Court takes formal jurisdiction of the minor children as an Act 87 Ward."[5] DHS then filed a Supplemental Petition of Abuse and Neglect on March 13, 2013. Unfortunately Judge Clabuesch became ill and the matter was set for termination before Judge John R. Monaghan.

A termination hearing was not held until June 26, 2013. At the termination hearing the a DHS case worker assigned to the case for portion of the time the case was open was the only witness called to testify. On July 16, the trial court terminated Respondent Mother's parental rights.

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[4] Tr pg 8, Disposition Review Hearing of January 31, 2013.

[5] Order of Disposition dated Febuarary 4, 2013, see attachment, page 5.

ARGUMENT

I. The acceptance of an eleven month old signed mediation agreement taken thirteen months after the filing of the Original Petition and without the presence of the Respondent Parent in the courtroom constitutes an invalid adjudication that violates the due process rights of a Respondent Parent.

Standard of Review

The trial court's actions violated Respondent Mother's statutory and constitutional rights. Unpreserved constitutional and statutory challenges are reviewed to determine whether plain error exists that affects substantial rights. *People v Carines*, 460 Mich 750, 764; 597 NW2d 130 (1999). Reversal is required where the trial court's errors "seriously affected the fairness, integrity or public reputation of judicial proceedings." *Id.* at 763.

Argument

Child protective proceedings are considered a "single continuous hearing" in which evidence admitted at all dispositional and review hearings is considered by the trial court when determining whether to terminate a parent's rights. *In re LaFlure*, 48 Mich. App 377, 390-391; 210 NW2d 482 (1973). In this important respect, the "hearing" to terminate parental rights actually begins at the first dispositional hearing since evidence admitted at that hearing and all subsequent hearings is part of the record reviewed by the court when adjudicating a TPR petition. Thus, errors made by the trial court at earlier proceedings can taint the entire process and can cast serious doubt on the integrity of the final decision to terminate parental rights, since the evidence relied upon may be flawed due to prior procedural errors. This is precisely what happened in this case when the trial court relied on an invalid plea to reduce the Department's evidentiary burden to terminate her rights. These mistakes tainted the entire proceeding and

deprived her of a "fundamentally fair" hearing. See, *In re SLH*, 277 Mich App 662, 664; 747 NW2d 547 (2008) (reversing trial court's decision to terminate parental rights because the "proceedings were so replete with error.").

A parent is entitled to procedural due process if the State seeks to terminate his parental rights. The State must make reasonable efforts to notify him of the proceedings and allow him a meaningful opportunity to participate. We evaluate whether a particular parent was afforded minimal due process on a case-by-case basis. Statutory requirements, court rules, and agency policies provided are an important point of departure for this inquiry. *In re Rood*, 483 Mich App 73, 122 (2009).

In order to comply with the guarantees of substantive due process, the state must prove parental unfitness by "at least clear and convincing evidence" before terminating a respondent's parental rights. *Santosky v Kramer*, 455 US 745, 748;102 S ct 1388 (1982). Michigan law fully comports with this requirement, requiring proof of at least one statutory ground "by clear and convincing evidence" before the family court may terminate a respondent's parental rights. *MCL 712A.19b(3)*. In contrast, for the family court to exercise jurisdiction over a child, "the factfinder must determine *by a preponderance of the evidence* that the child comes within the statutory requirements of *MCL 712A.2* . . . ." *In re S R*, 229 Mich App 310, 314; 581 NW2d 291 (1998) ; see also MCR 3.972(C)(1). Therefore, a lower standard applies to the acquisition and exercise of jurisdiction than to the termination of parental rights.

A. The Trial Court Relied On The Invalid Plea To Reduce The Department's Evidentiary Burden

The trial court violated Respondent Mother's due process rights by using the invalid plea to reduce the Department's evidentiary burden. Michigan Court Rule 3.971(B) requires the trial court to advise a parent of a number of rights prior to accepting a plea. Among other things, the court must advise a parent "of the consequences of the plea, including that the plea can later be used as evidence in a proceeding to terminate parental rights if the respondent is a parent." The court must also make a determination that the plea is voluntary and make an independent determination that the plea is accurate. MCR 3.971

At no point did the trial court make a finding that the plea was voluntary and accurate nor did the court advise Respondent Mother of the consequences of her plea as it related to the subsequent termination of her parental rights. The court clearly erred by failing to do so thereby rendering the plea invalid; it should not have been accepted by the court.

The trial court's acceptance of the invalid plea seriously affected Respondent Mother's rights and infected the entire termination proceeding. See, *In re Blocker*, unpublished per curiam opinion of the Court of Appeals, issued on January 17, 2008 (No. 279581) (reversing termination of parental rights decision because trial court failed to advise parent that his plea to jurisdiction could be used as evidence against him at the termination of parental rights hearing). Michigan court rules permit the use of hearsay evidence to prove statutory grounds for termination only in situations where the respondent parent entered into a plea for jurisdiction or had a trial on the petition allegations. MCR 3.977(G)(2). Thus, as a direct consequence of Respondent Mother's plea, the Department's evidentiary burden in the TPR proceedings was significantly relaxed as it was permitted to prove its case using hearsay evidence.

Throughout 18 months this case was open, much of the evidence admitted at the various hearings was proven through hearsay. Evidence introduced at each dispositional review hearing,

which became part of the record on which the trial court based its termination decision, was replete with hearsay. This included evidence of alleged drug use by Respondent Mother, which she contested on numerous occasions, the speculated relationship between Respondent Mother and Mr. Brown, and the progress Respondent Mother was making in her substance abuse therapy. These concerns, all of which played a major role in the trial court's decision, were never proven with legally admissible evidence.

Petitioner's Exhibits 11- 23 which are found in the confidential file and admitted into evidence are all hearsay and would never had been able to be admitted at an adjudication trial or at a termination trial at the initial disposition.

The pervasive use of hearsay continued into the final termination hearing. At that hearing, the case worker testified about statements supposedly made to him by a variety of people including Respondent Mother's therapist, the children's therapists , and the psychologist who evaluated the family. None of these people testified at trial. Additionally, much of protective service worker's testimony was hearsay as well. For example, she testified about prior reports made on the family before she began working on the case, and drug test results which she did not personally administer or observe.

In short, if trial court had not accepted Respondent Mother's invalid plea, the use of hearsay testimony against her would have been impermissible and would have constituted clear error. See *In re Gilliam*, 241 Mich App 133, 137; 613 NW 2d 748 (2000) (reversing TPR because trial court improperly relied on hearsay evidence).

The use of an invalid plea to reduce the Department of Human Service's evidentiary burden – rendered the entire proceeding "fundamentally unfair" and significantly increased the likelihood of an erroneous deprivation of Respondent Mother's parental rights. The trial court's

failure to adhere to the strict procedures set forth by case law, statutes and court rules resulted in a decision that "seriously affected the fairness, integrity or public reputation" of the judicial proceeding, *Carines*, *supra*, and constituted plain error.

B. Court Rule in Question

Michigan Court Rule **3.971** "Pleas of Admission or No Contest"states:

"(A) General. A respondent may make a plea of admission or of no contest to the original allegations in the petition. The court has discretion to allow a respondent to enter a plea of admission or a plea of no contest to an amended petition. The plea may be taken at any time after the filing of the petition, provided that the petitioner and the attorney for the child have been notified of a plea offer to an amended petition and have been given the opportunity to object before the plea is accepted.

(B) Advice of Rights and Possible Disposition. Before accepting a plea of admission or plea of no contest, the court must advise the respondent on the record or in a writing that is made a part of the file:

(1) of the allegations in the petition;

(2) of the right to an attorney, if respondent is without an attorney;

(3) that, if the court accepts the plea, the respondent will give up the rights to

(a) trial by a judge or trial by a jury,

(b) have the petitioner prove the allegations in the petition by a preponderance of the evidence,

(c) have witnesses against the respondent appear and testify under oath at the trial,

(d) cross-examine witnesses, and

(e) have the court subpoena any witnesses the respondent believes could give testimony in the respondent's favor;

(4) of the consequences of the plea, including that the plea can later be used as evidence in a proceeding to terminate parental rights if the respondent is a parent.

(C) Voluntary, Accurate Plea.

(1) Voluntary Plea. The court shall not accept a plea of admission or of no contest without **satisfying itself** that the plea is knowingly, understandingly, and voluntarily made.

(2) Accurate Plea. The court shall not accept a plea of admission or of no contest without establishing support for a finding that one or more of the statutory grounds alleged in the petition are true, **preferably by questioning the respondent** unless the offer is to plead no contest. If the plea is no contest, the court shall not question the respondent, but, by some other means, shall obtain support for a finding that one or more of the statutory grounds alleged in the petition are true. The court shall state why a plea of no contest is appropriate."

Due to the fact that mother was no present at the review hearing in which the trial court used a mediation agreement that was formed as basis for **avoiding adjudication and a jury trial it would be impossible for the court to comply with MCR 3.971without having the Respondent Mother present when it accepted her plea.** The court can "satisfy itself" under MCR 3.971(C) that the plea was voluntary and accurate without having the respondent in court. Additionally MCR 3.971(C)(2) requires an independent finding that plea is accurate and the

court rules instruct the judge to question the respondent directly about the plea unless it is a no contest plea.

C. Case Law

Appellant has been unable to locate a case where a plea was taken without the presence of the Respondent Parent. However, both our Supreme Court and the Court of Appeals have addressed the issue the validity of an appeal and whether it warrants vacating a termination order. In *In re Hudson*, 763 N.W.2d 618, 483 Mich. 928 (Mich. 2009), our Michigan Supreme Court considered a challenge to a validity of a plea under the plain error standard of review when the issue was not preserved:

> Had respondent been represented by counsel during the preliminary hearing, counsel could have fully advised her of the consequences of a plea of admission, which the trial court failed to do. Instead, without full information and understanding of the consequences, respondent admitted most of the allegations in the petition. Respondent's admissions relieved the DHS of the burden of proving the allegations in the petition by a preponderance of the legally admissible evidence, MCR 3.972(C)(1), and enabled the trial court to immediately assume jurisdiction. After the court assumed jurisdiction, it ordered drug screenings of respondent and Morgan and psychological evaluations of the parents and children. The results of these court-ordered services unquestionably formed the basis for the court's later termination decision.
>
> A child protective proceeding is "a single continuous proceeding." In re LaFlure, 48 Mich.App. 377, 391, 210 N.W.2d 482 (1973). In deciding whether to terminate parental rights, a trial court considers evidence admitted at all dispositional and review hearings. Id. In this case, the combination of the trial court's errors at the preliminary hearing in failing to appoint counsel and in accepting respondent's invalid plea affected the entire proceeding that followed. First, respondent's invalid plea formed the basis for the trial court's exercise of jurisdiction and for the admission of evidence at subsequent proceedings. Once the allegations in the state's petition are
>
> In this case, respondent's invalid plea formed the basis for the admission of hearsay evidence during subsequent hearings. In addition, hearsay evidence is only admissible at the termination hearing to prove the statutory grounds for termination where termination is sought on the same grounds that formed the basis for the trial court's exercise of jurisdiction. MCR 3.977(G)(2); see In re Gilliam, 241 Mich.App. 133 (2000) (reversing the trial court's termination decision where hearsay was admitted to prove grounds for

> termination that were unrelated to the initial reasons for jurisdiction); In re Blocker, unpublished opinion per curiam of the Court of Appeals, issued January 17, 2008 (Docket No. 279581) (reversing the trial court's termination decision where the trial court failed to advise the respondent of the consequences of his plea to the allegations in an abuse report, there was no indication that respondent stipulated the admission of the abuse report to establish the statutory grounds for termination, and the statutory grounds were not otherwise established by legally admissible evidence). Thus, respondent's invalid plea also formed the basis for the admission of hearsay evidence at the termination trial in this case.
>
> The trial court's error in failing to advise respondent of the consequences of her plea was compounded by the absence of counsel to represent respondent during all the dispositional and permanency planning hearings. Although the rules of evidence do not apply at dispositional and permanency planning hearings, and all relevant and material evidence, including oral and written reports, was admissible, MCR 3.971; MCR 3.972(C)(1); MCR 3.973(E)(1); MCR 3.976(D)(2); MCR 3.977(G)(2). Counsel for respondent could have challenged the evidence presented by the DHS and could have called and cross-examined the individuals who prepared the many reports DHS witnesses referenced in their testimony at these hearings. Instead, once these proceedings were set in motion by respondent's invalid plea, the DHS was allowed to present unchallenged hearsay evidence, including the results of respondent's drug screenings, psychologists' reports pertaining to respondent and the children, and statements of respondent's therapist, through the testimony of DHS workers. *Id,* at 483 Mich. 936-937.

Our Supreme Court in *In re Hudson* upheld the reversal on appeal and held:

> For the reasons explained by the Court of Appeals, the trial court clearly erred by finding that the DHS presented clear and convincing evidence to support the statutory grounds for termination. In addition, the trial court's errors in failing to advise respondent that her plea of admission could be used against her in a later termination proceeding and in failing to appoint counsel to represent her until 14 days before the termination trial violated statutory and court-rule based protections. These fundamental errors led to the admission of unchallenged and untested evidence in later proceedings. **In my view, these flaws deprived respondent of due process.**

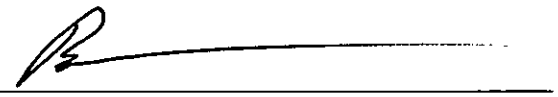
II. The Court of Appeals misapply this Court's ruling in *In Re Hatcher?*

The Court misapplied the Supreme Court's decision *In Re Hatcher*, 443 Mich 426 (1993). The Appellant recognized that *Hatcher* stands for the proposition that the Probate Court's exercise through its jurisdiction was not subject to collateral attack, the collateral attack rule does not prevent a Court from conducting a due process analysis. In fact, *In Re Hatcher*

overturned the long-standing rule that jurisdiction could be collaterally attack and it was expressly stated in the Opinion that procedural due process was an appropriate safeguard in the cases prior to *In Re Hatcher* that had allowed the collateral attack on jurisdiction. In any event, *In Re Hatcher* can be distinguished because in *Hatcher* there was in fact an adjudication that took place. Here, there was not adjudication. Simply put, you cannot collaterally attack something that does not exist. MCR 3.973a provides for dispositional hearings only after the child is "properly within the Court's jurisdiction." Because there was no adjudication, there could be no valid dispositional hearing and an initial dispositional order is not present in this case.

Relief Requested

Ms. Paschke is requesting that in lieu of granting application that this Court reverse the Majority's Opinion in *In Re Wangler/Paschke* and enter an order adopting Judge Elizabeth Gleicher's dissenting opinion



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Dated: June 24, 2014