

MSC Order List: May 12, 2010

[13. May 2010 By Madelaine Lane](#)

On Wednesday, May 12, 2010, the Michigan Supreme Court issued an order staying further trial court proceedings in the matter of *People v. Baumer*, Case No. 141000, pending a decision on the state's application for leave to appeal. The state is seeking review of the April 12, 2010 Court of Appeals order denying the state leave to appeal.

The Court also issued an order directing the Department of Human Services to answer the application for leave to appeal in *In re CW, BW, and DW Minors*, Case No. 140841. The Court further invited the children's lawyer-guardian ad litem to answer the application within the same 28-day time period.

Justice Corrigan concurred with the Court's order but wrote separately because she would have directed the Department of Human Services to address the following issues in its brief: (1) whether the decision of the Michigan Children's Institute Superintendent may be deemed arbitrary and capricious if the Superintendent relied on evidence that he knew, or should have known, was substantially incomplete or inaccurate; (2) whether the Superintendent relied on such evidence in this case where he based his decision upon the opinions of DHS staff members who had past adversarial interactions with the petitioners and when the children's lawyer-guardian ad litem had expressly favored adoption by the petitioners; (3) whether there was any evidence to support the Superintendent's conclusion that the petitioners had an inadequate ability to meet the developmental needs of the children; and (4) whether the Superintendent erred by failing to consider that the children's older sister is placed with the petitioners, as required by MCL § 710.22(g)(x) and 42 USC § 671(a)(31)(A). A copy of the Court's order is [here](#).