

Court of Appeals, State of Michigan

ORDER

Heather Ann Kimball v Timothy Roland Pearson, Jr

Docket No. 335639

LC No. 2010-002626-DM

Elizabeth L. Gleicher
Presiding Judge

Michael J. Kelly

Douglas B. Shapiro
Judges

Pursuant to the opinion issued concurrently with this order, the Court REMANDS this matter to the Macomb Circuit Court to resume the evidentiary hearing and reopen proofs for the sole purpose of hearing the full testimony of the child's therapist, Josette Lucci, during which Lucci may recount the statements and behaviors of the parties' children that led her to express concern about abuse in the mother's home, as well as offer her opinions about the significance of the statements and behaviors. This Court retains jurisdiction in this cause.

Upon the expiration of the 56-day period in which to file an application for leave to appeal in the Supreme Court, MCR 7.305(C)(2), the trial court shall reconvene the evidentiary hearing and take the testimony of Lucci. Those proceedings shall be given priority on remand until they are concluded. The trial court shall reconsider and rule on the motion to change custody within 21 days of the close of the evidentiary hearing. The trial court's ruling shall also provide for reasonable parenting time for the noncustodial parent consistent with the opinion of this Court. Within seven days after entry, appellant shall file with this Court a copy of the order entered on remand. The transcript of all proceedings on remand shall be prepared and filed within 21 days of the completion of the proceedings.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 29 2018

Date

Chief Clerk