

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 4, 2014

In re COH, ERH, JRG, and KBH Minors.

No. 309161
Muskegon Circuit Court
Family Division
LC No. 08-036989-NA

In re COH, ERH, JRG, and KBH Minors.

No. 312691
Muskegon Circuit Court
Family Division
LC Nos. 2011-007780-AF;
2011-007781-AF;
2011-007782-AF;
2011-007783-AF

ON REMAND

Before: TALBOT, P.J., and MARKEY and RIORDAN, JJ.

MARKEY, J. (*dissenting*).

I dissent, not because the majority mistakenly cites or analyzes the now applicable law and burdens of proof, they do not, but because I am compelled to at least express my dismay at this final resolution of these matters. While I truly believe that we have the best legal system in the world, it is not perfect, and justice is not always achieved. This case and its companion case, previously decided by the Supreme Court, stand as sad, examples of its failure, at least with this particular family.

We are here today with this resolution because of a confluence of many actions and decisions by many people at many levels: from DHS through the judiciary. I do not believe many have acted in the best interests of these children and am firmly convinced we have trampled one of life's most important relationships: that of grandparents and grandchildren. I will not speculate as to why.

The rationale for this decision and that in the earlier placement case is readily distilled: Leave the children where the system first hastily placed and left them the longest, then justify it

all by simply completing the illogical circle by righteously declaring that they're best off where they've now been the longest! This contrived, bootstrapping "analysis" by the Supreme Court, which reversed this panel's original decision and which now essentially compels the instant decision of this Court to justify the resolution of these cases, is at best embarrassing, and at worst a sad, shameful example of a process and a system that failed this family.

/s/ Jane E. Markey