

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

*In re* BS, Minor.

UNPUBLISHED  
December 22, 2020

No. 354103  
Ottawa Circuit Court  
Family Division  
LC No. 20-092453-AU

---

Before: LETICA, P.J., and RIORDAN and CAMERON, JJ.

PER CURIAM.

BS, born out of wedlock in February 2020, is at the center of this adoption case. The day after BS’s birth, petitioner, BS’s biological mother, filed a petition under the Adoption Code, MCL 710.21 *et seq.*, for a hearing to identify the child’s father and to determine or terminate the father’s parental rights. Petitioner-mother identified respondent as the putative father. The trial court dismissed the mother’s petition as the trial court determined the respondent had provided substantial and regular support to BS. Petitioner-mother then moved for a rehearing. In the meantime, respondent filed a paternity action under the Paternity Act, MCL 722.711 *et seq.*, in Kent Circuit Court, but he did not request a stay of the adoption proceedings, and the trial court in the adoption action denied petitioner-mother’s request for a rehearing. This appeal followed.

While this appeal was pending, petitioner-mother moved for a stay of the paternity proceedings to allow for resolution of the adoption proceedings regarding respondent-father’s parental rights. The trial court in the paternity action denied petitioner-mother’s motion for a stay and entered an order of filiation identifying respondent as the child’s legal father. Petitioner-mother sought to appeal that decision in this Court and leave was denied. *Sterk v Speyer*, unpublished order of the Court of Appeals, entered August 20, 2020 (Docket No. 354518). Because we denied leave in the paternity case (Docket No. 354518), petitioner-mother’s instant appeal in this adoption case is moot as the trial court has ruled that respondent is BS’s legal father.

Although the Kent Circuit Court’s order of filiation is not part of this record, we take judicial notice of its existence. *Prawdzyk v Heidema Bros, Inc*, 352 Mich 102, 112; 89 NW2d 523 (1958). Likewise, we take judicial notice of the fact that the order of filiation entered in the paternity case declaring respondent the legal father of BS. See MRE 201(b) (judicial notice may be taken at any stage of the proceedings); *Johnson v Dep’t of Natural Resources*, 310 Mich App

635, 649; 873 NW2d 842 (2015) (noting that MRE 201 allows us to take judicial notice of a “public record”).

Petitioner seeks an order terminating respondent’s parental rights pursuant to MCL 710.39(1). By its terms, this statute only concerns the termination of the parental rights of putative fathers. See MCL 710.39(1); *In re MKK*, 286 Mich App 546, 559; 781 NW2d 132 (2009) (“If the father is putative, the court must determine his rights pursuant to MCL 710.39.”). Because respondent is BS’s biological and legal father pursuant to an order of filiation entered by the Kent Circuit Court, MCL 710.39(1) is no longer applicable and it is impossible for us to grant the relief petitioner-mother requests and this appeal is moot. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998) (generally, appellate courts do not decide moot issues); *City of Jackson v Thompson-McCully Co, LLC*, 239 Mich App 482, 493; 608 NW2d 531 (2000) (an issue is moot if an event has occurred that renders it impossible for the court, if it should decide in favor of the party, to grant relief). Accordingly, this appeal is dismissed.

/s/ Anica Letica

/s/ Michael J. Riordan

/s/ Thomas C. Cameron