

Order

Michigan Supreme Court
Lansing, Michigan

February 11, 2022

Bridget M. McCormack,
Chief Justice

163731

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

In re BOURBEAU, Minors.

SC: 163731
COA: 356222
Oakland CC Family Division:
2015-832568-NA

On order of the Court, the application for leave to appeal the October 14, 2021 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to that court for a new appeal. On remand, while retaining jurisdiction, the Court of Appeals shall remand this case to the Oakland Circuit Court and direct that court to appoint counsel to represent the respondent in the Court of Appeals. The record in this case reveals that the respondent's counsel provided ineffective assistance by failing to cite to the record to support the claims being asserted, citing incorrect legal standards in support of those claims, and failing to raise potentially meritorious claims. As noted by the Court of Appeals throughout its opinion, the brief filed by the respondent's counsel made numerous cursory assertions with no argument or citations to the record, and abandoned claims raised in the trial court. A right to counsel necessarily includes the right to competent counsel. See *In re Trowbridge*, 155 Mich App 785, 786 (1986); *In re Osborn (On Remand, After Remand)*, 237 Mich App 597, 606 (1999). The respondent did not receive competent appellate counsel and is thus entitled to a new appeal.

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 11, 2022

Clerk