

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
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In re YBARRA/RANALLI, Minors.

No. 379317
Oakland Circuit Court
Family Division
LC No. 25-887840-NA

Before: MURRAY, P.J., and BOONSTRA and RIORDAN, JJ.

PER CURIAM.

Respondent, Alizabeth Ann Ranalli (respondent-mother), appeals as of right a February 2, 2026 order of disposition, which required respondent-mother to participate in, and benefit from, a case-service plan to address the barriers to reunification. On appeal, respondent-mother challenges the trial court’s January 14, 2026 order of adjudication, which exercised jurisdiction over respondent-mother’s minor children: DRRY, VCMY, SAR, and HRLR. We affirm.

The child-protective proceedings arose from respondent-mother’s failure to protect SAR from sexual assault at the hands of DRRY, her half-brother. On appeal, respondent-mother argues that the trial court improperly failed to hold a preliminary hearing on an amended petition that was filed by petitioner, Department of Health and Human Services (DHHS), in July 2025. Respondent-mother also challenges the adjudicative phase of the proceedings on multiple grounds.

I. PRELIMINARY HEARING

With respect to the preliminary hearing, respondent-mother argues that the trial court improperly refused to hold one on the amended petition. According to her, the amended petition contained a request for removal, making it mandatory for the trial court to hold a preliminary hearing under MCR 3.961(C)(3). And, the argument goes, if a preliminary hearing had been held, the amended petition would have been dismissed because DHHS would have been unable to establish neglect. As a result, respondent-mother argues that this Court should remand and order the trial court to hold a preliminary hearing on the amended petition.

A. PRESERVATION

We begin by recognizing that the issue is not preserved for appeal, as respondent-mother did not object on this ground at a time when the trial court could correct the error. See *Walters v Nadell*, 481 Mich 377, 387-388; 751 NW2d 431 (2008). “Generally, a party may not remain silent in the trial court, only to prevail on an issue that was not called to the trial court’s attention.” *Id.* at 388. Importantly, “[t]he purpose of the appellate preservation requirements is to induce litigants to do what they can in the trial court to prevent error and eliminate its prejudice, or to create a record of the error and its prejudice.” *Glasker-Davis v Auvenshine*, 333 Mich App 222, 228; 964 NW2d 809 (2020) (quotation marks and citation omitted).

The amended petition was filed on July 22, 2025, yet respondent-mother did not argue that she was entitled to a preliminary hearing on the amended petition until January 5, 2026, when the adjudication trial was underway. Notably, respondent-mother, who was represented by counsel, was aware the petition would be amended to remove DHHS’s request for termination at the initial disposition, and the amended petition was discussed during at least two hearings. The matter proceeded forward, without any objection from respondent-mother, until approximately six months after the amended petition was filed and only after the jury was impaneled. Because respondent-mother failed to timely assert her alleged right to a preliminary hearing, the argument is unpreserved. See *In re Ferranti*, 504 Mich 1, 25; 934 NW2d 610 (2019).

B. STANDARDS OF REVIEW

Generally, “family division procedure under the court rules . . . [is] reviewed de novo.” *In re MOTA*, 334 Mich App 300, 311; 964 NW2d 881 (2020) (first alteration omitted; other alterations in original; quotation marks and citation omitted). However, because the issue is unpreserved, this Court reviews for plain error affecting substantial rights. *In re Pederson*, 331 Mich App 445, 463; 951 NW2d 704 (2020). “To avoid forfeiture under the plain error rule, three requirements must be met: 1) the error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights.” *In re VanDalen*, 293 Mich App 120, 135; 809 NW2d 412 (2011) (quotation marks and citations omitted). “[A]n error affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings.” *In re Utrera*, 281 Mich App 1, 9; 761 NW2d 253 (2008). Reversal is only warranted when the plain error “seriously affect[ed] the integrity, fairness, or public reputation of judicial proceedings.” *In re MOTA*, 334 Mich App at 311.

C. ANALYSIS

Because respondent-mother was not entitled to a preliminary hearing on the amended petition under MCR 3.961(C)(3), there was no plain error affecting her substantial rights.

“The purpose of child protective proceedings is the protection of the child,” and the “juvenile code[, MCL 712A.1 *et seq.*,] is intended to protect children from unfit homes. . . .” *In re Brock*, 442 Mich 101, 107-108; 499 NW2d 752 (1993). “To initiate a child protective proceeding, the state must file in the family division of the circuit court a petition containing facts that constitute an offense against the child under the juvenile code. . . .” *In re Sanders*, 495 Mich 394, 405; 852 NW2d 524 (2014). “A court’s jurisdiction under MCL 712A.2(b) has two

components, one pertaining to the child and the other primarily to the parent.” *In re Christie*, 339 Mich App 1, 4; 981 NW2d 172 (2021). See MCL 712A.2(b)(1)&(2).

“[T]he term ‘jurisdiction’ refers to the . . . court’s authority to hear and decide a case on the basis of a finding of fact that the child belongs to the class of children over whom the court has the power to act.” *In re Hatcher*, 443 Mich 426, 433; 505 NW2d 834 (1993), overruled on other grounds by *In re Ferranti*, 504 Mich at 21. “The analysis of whether a child falls within the juvenile court’s jurisdiction begins with the court’s preliminary proceeding.” *In re Hatcher*, 443 Mich at 433.

A petition forms the basis of any preliminary action by the court. It is the initial request for judicial action against a juvenile or for the protection of the child. As defined in the Michigan Court Rules, a petition is a verified complaint or other written accusation. It is to be filed with the court and to set forth charges against a parent, custodian, or child with ample clarity and specificity to reasonably appraise them of the matters under consideration before the court. If the petition does not request placement of the child, the court may conduct a preliminary inquiry, as opposed to the preliminary hearing. The inquiry consists of an informal review of the petition by the juvenile court to determine an appropriate course of action. A preliminary hearing is the formal review of the petition when the judge or referee considers authorizing the petition and placing the case on the formal calendar.

At the preliminary hearing, probate courts require a finding of probable cause to substantiate that the facts alleged in the petition are true and that if proven at trial would fall under [MCL 712A.2(b)]. When a court authorizes a petition for jurisdiction during the preliminary hearing, generally, it will issue a preliminary order that specifies a plan for temporary placement. The adjudicative phase follows the preliminary hearing. At this stage, the court weighs the evidence to determine whether the child is neglected within the meaning of subsection (b) and then orders the disposition or placement that comports with the child’s best interests. [*Id.* at 433-436 (citations omitted).]

“If the trial court authorizes the petition at the preliminary hearing, the trial court may release the child to a parent, guardian, or legal custodian, or may order placement of the child. . . .” *In re McCarrick/Lamoreaux*, 307 Mich App 436, 448-449; 861 NW2d 303 (2014) (alteration in original; quotation marks and citation omitted).

In short, a petition has two “essential functions”: (1) to “set forth the alleged basis of the court’s jurisdiction over a particular child,” and (2) to “communicate to the respondents a notice of the charges against them so that they might evaluate their situation and prepare a response.” *In re Hatcher*, 443 Mich at 434 n 7 (quotation marks and citation omitted). “The court may not inquire into matters not alleged in the petition,” and the “description of the parents’ acts of commission or omission should be put in terms specific enough to allow a defense to be prepared.” *Id.* (quotation marks and citation omitted). “A petition . . . may be amended *at any stage of the proceedings* as the ends of justice require.” MCL 712A.11(6) (emphasis added).

Respondent-mother challenges the trial court's decision to conduct a preliminary inquiry, rather than a preliminary hearing, on the amended petition.¹ The petition was amended in July 2025 to only reflect DHHS's request for temporary wardship, rather than immediate termination. The allegations supporting jurisdiction did not change, and although the children had been out of respondent-mother's care since December 2024 (when the original petition was filed), the amended petition requested the trial court "authorize th[e] petition and take jurisdiction over the children" and "issue an order removing . . . the child(ren) . . . from the home."

Rather than hold a preliminary hearing, the trial court conducted a preliminary inquiry on the amended petition, which is evidenced by the trial court's signature and notations on the amended petition. See MCR 3.903(A)(23) (" 'Preliminary inquiry' means informal review by the court to determine appropriate action on a petition."). Notably, a preliminary inquiry does not need to "be conducted on the record or in the presence of the parties." See MCR 3.962(B). After the preliminary inquiry, the matter proceeded forward with multiple pretrial hearings and an evidentiary hearing. As noted, it was not until after the start of the adjudication trial that respondent-mother asserted that she was entitled to a preliminary hearing on the amended petition. The trial court denied this request, reasoning that the allegations of parental unfitness in the amended petition did not change from the original petition, which was already authorized.

To support that she was entitled to a preliminary hearing on the amended petition, respondent-mother cites MCR 3.961(C), which states:

(C) Amended and Supplemental Petitions.

(1) If a nonrespondent parent is being added as an additional respondent to a petition that has been authorized by the court under MCR 3.962 or MCR 3.965 against the first respondent parent, and the first respondent parent has not made a plea under MCR 3.971 or a trial has not been conducted under MCR 3.972, the allegations against the second respondent shall be filed in an amended petition.

(2) If a nonrespondent parent is being added as an additional respondent in a case in which a petition has been authorized under MCR 3.962 or MCR 3.965, and adjudicated by plea under MCR 3.971 or by trial under MCR 3.972, the allegations against the second respondent shall be filed in a supplemental petition.

(3) If either an amended or supplemental petition is not accompanied by a request for placement of the child or the child is not in protective or temporary custody, the court shall conduct a preliminary inquiry to determine the appropriate action to be taken on a petition. *If either the amended or supplemental petition contains a request for removal, the court shall conduct a preliminary hearing to determine the appropriate action to be taken on the petition consistent with MCR 3.965(B).* If either the amended or supplemental petition is authorized, the court

¹ The original petition was authorized by the trial court after a preliminary hearing.

shall proceed against each respondent parent in accordance with MCR 3.971 or MCR 3.972. [Emphasis added.]

“This Court interprets court rules using the same principles that govern the interpretation of statutes.” *In re McCarrick/Lamoreaux*, 307 Mich App at 446 (quotation marks and citation omitted). This Court’s “purpose when interpreting court rules is to give effect to the intent of the Michigan Supreme Court. The language of the court rule itself is the best indicator of intent. If the plain and ordinary meaning of a court rule’s language is clear, judicial construction is not necessary.” *Id.* (citations omitted). This Court “must presume that every word has some meaning,” and this Court “must avoid any interpretation that renders any part of the court rule surplusage or nugatory. This Court must [also] give effect to every sentence, phrase, clause, and word in a court rule.” *Id.* at 447 (citations omitted). Words must be read in context, not isolation, *In re McCarrick/Lamoreaux*, 307 Mich App at 446, meaning that both the plain language of the words used and the surrounding relevant provisions must be considered to determine the plain meaning of the provision, *Haliw v City of Sterling Heights*, 471 Mich 700, 706; 691 NW2d 753 (2005).

The words contained in MCR 3.961(C)(3), considered in context, require a trial court to hold a preliminary hearing after the filing of an amended² or supplemental³ petition to add “an additional respondent” See MCR 3.961(C). MCR 3.961(C)(1) addresses a scenario where (1) the original petition must be amended to add “a nonrespondent parent . . . as an additional respondent”; and (2) the original petition has been authorized, but not yet adjudicated, as to the respondent parent named in the original petition. MCR 3.961(C)(2) addresses a scenario where (1) the original petition has already been authorized and adjudicated as to the respondent parent

² “ ‘Amended petition’ means a petition filed to correct or add information to an original petition, as defined in subrule (A)(20), before it is adjudicated.” MCR 3.903(C)(2). “ ‘Petition’ means a complaint or other written allegation, verified in the manner provided in MCR 1.109(D)(3), that a parent, guardian, nonparent adult, or legal custodian has harmed or failed to properly care for a child, or that a juvenile has committed an offense.” MCR 3.903(A)(20). A petition is required to contain, in relevant part, “[t]he type of relief requested. A request for removal of the child or a parent or for termination of parental rights at the initial disposition must be specifically stated.” MCR 3.961(B)(6).

³ “Supplemental petition” is defined as:

(a) a written allegation, verified in the manner provided in MCR 1.109(D)(3), that a parent, for whom a petition was authorized, has committed an additional offense since the adjudication of the petition, or

(b) a written allegation, verified in the manner provided in MCR 1.109(D)(3), that a nonrespondent parent is being added as an additional respondent in a case in which an original petition has been authorized and adjudicated against the other parent under MCR 3.971 or MCR 3.972, or

(c) a written allegation, verified in the manner provided in MCR 1.109(D)(3), that requests the court terminate parental rights of a parent or parents under MCR 3.977(F) or MCR 3.977(H). [MCR 3.903(C)(13).]

named in the original petition; but (2) the original petition must be altered to add an additional respondent parent.

In either scenario, the new respondent must be afforded a preliminary hearing on the amended or supplemental petition if it “contains a request for removal” See MCR 3.961(C)(3). In contrast, if “an amended or supplemental petition is not accompanied by a request for placement of the child or the child is not in protective or temporary custody,” the trial court must “conduct a preliminary inquiry to determine the appropriate action to be taken on the petition.” See MCR 3.961(C)(3). Notably, MCR 3.961(C)(3) specifically acknowledges that, if the amended or supplemental petition is authorized, the child-protective proceedings must “proceed against *each respondent parent* in accordance with MCR 3.971 or MCR 3.972.” See MCR 3.961(C)(3) (emphasis added). MCR 3.971 and MCR 3.972 concern adjudication proceedings, which can occur through a parent’s plea or a trial. See MCR 3.971 (concerning pleas of admission or no contest); MCR 3.972 (concerning adjudication trials).

In sum, MCR 3.961(C) concerns the filing of amended or supplemental petitions to add another respondent parent as “an additional respondent” and the proceedings that follow. MCR 3.961(C) was not triggered here, as DHHS simply amended the petition to change the relief it requested. A preliminary hearing on the amended petition under MCR 3.961(C)(3) was not required, and to reach the conclusion advocated by respondent-mother, we would need to read MCR 3.961(C)(3) in isolation, apart from (C)(1) and (2), which is improper. See *In re McCarrick/Lamoreaux*, 307 Mich App at 446.⁴ Respondent-mother is not entitled to relief.

⁴ If a preliminary hearing was held on the amended petition, DHHS would have met its “burden to show probable cause that one or more of the allegations were true and could support establishing jurisdiction under [MCL 712A.2(b)].” *In re Leach*, 347 Mich App 26, 33; 14 NW3d 178 (2023). Even when considering the children’s situation as of July 2025, there would still be “a substantial risk of harm” to them in respondent-mother’s care. See MCL 712A.2(b)(1). As of July 2025, the pertinent allegations remained, i.e., respondent-mother (1) had a history of CPS involvement for failure to supervise; (2) failed to protect SAR from sexual abuse; (3) coached VCMY, who witnessed a sexual assault in November 2024, to lie to CPS about respondent-mother’s knowledge of the sexual assaults; (4) failed to inquire as to whether DRRY sexually abused any of the other children; (5) failed to ensure the children received timely mental health treatment; (6) physically disciplined DRRY when she found out about the sexual assault; and (7) failed to ensure SAR received a timely medical evaluation and any necessary treatment. On these facts, the amended petition would have undoubtedly been authorized, and the matter would have proceeded to adjudication. Also, given the serious allegations against respondent-mother, it was reasonable to conclude that placing the children with respondent-mother presented “a substantial risk of harm,” MCL 712A.13a(9)(a); that removal was the only reasonably available option to protect the children from this risk, MCL 712A.13a(9)(b); and that the children’s placements adequately protected the children’s health, MCL 712A.13a(9)(e).

II. RELEVANT DATE FOR JURISDICTION

A. PRESERVATION

Respondent-mother's next argument challenges the trial court's instruction to the jury at the adjudication trial to consider the circumstances existing on December 19, 2024, when deciding whether statutory grounds for jurisdiction existed. To preserve such a challenge for appellate review, "[a] party must object or request a given jury instruction." *People v Sabin (On Second Remand)*, 242 Mich App 656, 657; 620 NW2d 19 (2000). See also *Leavitt v Monaco Coach Corp*, 241 Mich App 288, 300; 616 NW2d 175 (2000). Here, respondent-mother zealously advocated that the relevant date was July 22, 2025, and the trial court ruled against her. Because a sufficient record concerning the relevant date for purposes of jurisdiction was made, the jury instruction issue is effectively preserved. *Glasker-Davis*, 333 Mich App at 228. Respondent-mother's related procedural due-process argument is unpreserved because she admittedly failed to raise it in the trial court. See *Johnson v Mich Minority Purchasing Council*, 341 Mich App 1, 23-24; 988 NW2d 800 (2022).

B. STANDARDS OF REVIEW

With respect to the preserved arguments concerning jury instructions, arguments of instructional error involve questions of law that we review de novo. *In re Piland*, 336 Mich App 713, 720; 972 NW2d 269 (2021). "A trial court's determination regarding whether a jury instruction is applicable to the facts of the case is reviewed for an abuse of discretion." *Id.* "An abuse of discretion occurs when the trial court's decision is outside the range of reasonable and principled outcomes. A trial court necessarily abuses its discretion when it makes an error of law." *Id.* (quotation marks and citations omitted). "If substantial error exists in a jury instruction and a party is prejudiced by the instructions, the appellate court must grant a new trial." *Id.* at 732.

C. ANALYSIS

The trial court properly instructed the jury that the relevant date for purposes of deciding jurisdiction was December 19, 2024, the date the original petition was filed. Because the trial court's instruction complied with the applicable law, respondent-mother's procedural due-process argument also fails.

"To initiate a child protective proceeding, the state must file in the family division of the circuit court a petition containing facts that constitute an offense against the child under the juvenile code" *In re Sanders*, 495 Mich at 405. "If a petition is authorized, the adjudication phase of the proceedings takes place, and the question at adjudication is whether the trial court can exercise jurisdiction over the child (and the respondents-parents) under MCL 712A.2(b)" *In re MOTA*, 334 Mich App at 312. Once jurisdiction is established, the trial court "can enter dispositional orders, including an order terminating parental rights." *In re Boshell/Shelton*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 371973); slip op at 3 (quotation marks and citation omitted).

Although child protective proceedings are initiated to protect children, the adjudicative phase is of critical importance because the procedures used in adjudicative hearings protect the parents from the risk of erroneous deprivation of

their parental rights. Adjudication protects the parents' fundamental right to direct the care, custody, and control of their children, while also ensuring that the state can protect the health and safety of the children. [*Id.* at ____; slip op at 3 (quotation marks and citations omitted).]

If the respondent demands a trial, "the respondent is entitled to a determination of the facts by the jury or judge, the rules of evidence apply, and jurisdiction must be established by a preponderance of the evidence." *In re MOTA*, 334 Mich App at 312-313. "A preponderance of the evidence is evidence that, when weighed with that [evidence] opposed to it, has more convincing force and the greater probability of truth." *In re Boshell/Shelton*, ____ Mich App at ____; slip op at 3 (alteration in original; quotation marks and citation omitted). The finder of fact need not find more than one statutory ground for jurisdiction. See MCL 712A.2(b); *In re SLH*, 277 Mich App 662, 669; 747 NW2d 547 (2008).

The trial court exercised jurisdiction under MCL 712A.2(b)(1) and (2) based on the jury's verdicts. According to respondent-mother, the trial court improperly instructed the jury to consider the minor children's circumstances on December 19, 2024, instead of the more relevant date when the amended petition was filed. This error, according to respondent-mother, resulted in the jury finding statutory grounds for the trial court to exercise jurisdiction. While respondent-mother frames her argument as one involving instructional error, it is also evidentiary in nature.

MCL 712A.2 "speaks in the present tense, and, therefore, the trial court must examine the child's situation at the time the petition was filed." *In re MU*, 264 Mich App 270, 279; 690 NW2d 495 (2004). The proper date to focus on, therefore, is the date the petition was filed. However, "[n]either the juvenile code nor the court rules mandates the exclusion of evidence concerning events that occur after a jurisdictional petition has been filed." *In re Dearmon*, 303 Mich App 684, 696; 847 NW2d 514 (2014). This is because sometimes post-filing evidence can be relevant to pre-filing circumstances. "Generally, all relevant evidence is admissible, unless excluded by the Constitution of the United States, the Constitution of the State of Michigan, these rules, or other rules adopted by the Supreme Court." *Kuebler v Kuebler*, 346 Mich App 633, 654-655; 13 NW3d 339 (2023) (quotation marks omitted), citing MRE 402. "Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." *In re Dearmon*, 303 Mich App at 696 (quotation marks omitted), citing MRE 401.

At an adjudication trial, "the question presented to the jury is whether a respondent's actions or inactions created an unfit environment for the children." *In re Dearmon*, 303 Mich App at 698. "A fact-finder may consider evidence gathered after the events cited in the petition if that evidence is relevant to a fact of consequence flowing from that question and otherwise admissible." *Id.* For example, *In re Dearmon*, this Court held a respondent's recorded statements were admissible at the adjudication trial even though the statements were made after the petition was filed because the statements were relevant to the respondent's credibility and "were [therefore] relevant regardless of the date she uttered them." *Id.* at 698-699.

Respondent-mother fails to explain what evidence post-December 2024 she would have presented if allowed to do so. Even assuming respondent-mother wanted to admit evidence of her efforts to rectify DHHS's allegations after the original petition was filed in December 2024, DHHS

did not alter the allegations in the amended petition. Instead, DHHS made an amended request for a temporary wardship to give respondent-mother the opportunity to participate in services and rectify the barriers to reunification, as opposed to termination of her parental rights at the initial disposition. The fact that DHHS did not alter the allegations against respondent-mother precludes respondent-mother's arguments because, when amending the petition, DHHS did not broaden the scope of what was relevant at the adjudication trial. See *In re Dearmon*, 303 Mich App at 698 ("Because the petition communicates to the respondent the specific charges that he or she faces, a court must not entertain evidence of neglectful acts that fall outside the petition's allegations."). In sum, evidence concerning respondent-mother's remedial efforts *after* December 19, 2024 was not relevant because, as found by the trial court, the jury was required to consider the children's situation as of December 19, 2024.

For these reasons, there was no instructional error. MCR 2.512(B)(2), which is applicable to child-protective proceedings under MCR 3.911(C), states: "Before or after arguments or at both times, as the court elects, the court shall instruct the jury on the applicable law, the issues presented by the case, and, if a party requests as provided in [MCR 2.512(A)(2)], that party's theory of the case." Because the trial court was required to instruct the jury on the applicable law and the issues presented by the case, and the trial court did so by instructing the jury to focus on December 19, 2024, for purposes of determining parental unfitness, there was no instructional error.

III. DUE-PROCESS RELATING TO THE RELEVANT DATE

Relatedly, respondent-mother argues that her procedural due-process rights were violated by the procedures used during the adjudication trial. Respondent-mother reasons that, because she undisputedly had a constitutional interest in the care and custody of the minor children, the trial court's decision to use the December 19, 2024 date violated her procedural due-process rights.

A. PRESERVATION & STANDARD OF REVIEW

"Generally, whether child protective proceedings complied with a respondent's substantive and procedural due process rights is a question of law that this Court reviews de novo." *In re TK*, 306 Mich App 698, 703; 859 NW2d 208 (2014). However, the constitutional issue is unpreserved, so we review for plain error affecting substantial rights. *In re Pederson*, 331 Mich App at 463.

B. ANALYSIS

The Michigan Constitution precludes the government from depriving a person of life, liberty, or property without due process of law. See Const 1963, art 1, § 17. "The essence of due process is the requirement that a person in jeopardy of serious loss be given notice of the case against him and opportunity to meet it." *Norman v Dep't of Transp*, 338 Mich App 141, 159; 979 NW2d 390 (2021) (quotation marks and citation omitted). "All that is necessary, then, is that the procedures at issue be tailored to the capacities and circumstances of those who are to be heard to ensure that they are given a meaningful opportunity to present their case"; this "must generally occur before they are permanently deprived of the significant interest at stake." *Id.* (quotation marks and citation omitted).

"[P]arents have a fundamental right to make decisions concerning the care, custody, and control of their children." *In re Collier*, 314 Mich App 558, 568; 887 NW2d 431 (2016) (quotation

marks and citation omitted). “[T]his right cannot be overstated. Because this right is fundamental and protected by the Due Process Clause of the Fourteenth Amendment of the United States Constitution, it cannot be infringed without *some* type of fitness hearing.” *Id.* (quotation marks and citations omitted). “However, this fundamental right is not absolute, as the state has a legitimate interest in safeguarding the health and welfare of children.” *In re Bell*, 341 Mich App 596, 607; 991 NW2d 251 (2022). “[T]o satisfy constitutional due process standards, the state must provide the parents with fundamentally fair procedures.” *In re Yarbrough*, 314 Mich App 111, 122; 885 NW2d 878 (2016) (quotation marks and citation omitted).

“In balancing these interests, and in determining what process the state owes parents in a child-protective proceeding, Michigan courts have followed the United States Supreme Court’s test set forth in [*Mathews v Eldridge*, 424 US 319, 335; 96 S Ct 893; 47 L Ed 2d 18 (1976)].” *In re Bell*, 341 Mich App at 607. The *Eldridge* Court outlined three factors that must be balanced against one another to decide whether an individual was afforded due process:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. [*Mathews*, 424 US at 334-335.]

See also *In re Sanders*, 495 Mich at 408-409, 422-423.

Here, as already explained, the trial court’s decision that the jury must consider respondent-mother’s parental unfitness as of December 19, 2024, was based on MCL 712A.2 and the caselaw interpreting it. See *In re MU*, 264 Mich App at 279. Although the trial court’s decision was based on binding authority, respondent-mother does not acknowledge this, and instead asserts that the trial court arbitrarily decided the relevant date was December 19, 2024. But this is simply untrue.

To the extent respondent-mother argues that the trial court’s ruling stripped her of the opportunity to be heard because she could not present evidence at trial of her post petition remediation efforts, there is no basis to conclude that the result from trial was fundamentally unfair. First, DHHS was held to the same standard as respondent-mother, see *In re Dearmon*, 303 Mich App at 698 (“Because the petition communicates to the respondent the specific charges that he or she faces, a court must not entertain evidence of neglectful acts that fall outside the petition’s allegations.”), and was thus unable to present evidence to support respondent-mother knowingly disregarded court orders after the December 2024 petition was filed.

Second, respondent-mother still received a meaningful opportunity to present her case. Respondent-mother was represented by counsel, who zealously advocated for her and cross-examined DHHS’s witnesses. Respondent-mother called her own witnesses and testified on her own behalf. Respondent-mother was undoubtedly able “to know and respond to the evidence.” See *Cummings v Wayne Co*, 210 Mich App 249, 253; 533 NW2d 13 (1995). See also *Norman*, 338 Mich App at 158-162 (rejecting a procedural due-process claim because the plaintiff retained a meaningful opportunity to be heard). This is not a case where respondent-mother was not permitted to present any evidence to support her arguments. See e.g., *In re Collier*, 314 Mich App

at 570; *JLS v HRS*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 368375); slip op at 4-5 (holding a husband’s procedural due-process rights were violated when the trial court refused to permit him to testify or present any other evidence at a hearing on his motion to terminate a personal protection order).

Notably, respondent-mother’s parental rights were not terminated after trial, and she can likely present evidence of her remedial efforts in the dispositional phase of the child-protective proceedings. See *In re Gilliam*, 241 Mich App 133, 137; 613 NW2d 748 (2000). Under these circumstances, there is no indication respondent-mother was deprived of an accurate and just decision during the adjudication phase of the proceedings. See *In re Yarbrough*, 314 Mich App at 135 (“[s]ince the State has an urgent interest in the welfare of the child, it shares the parent’s interest in an accurate and just decision”) (quotation marks and citation omitted). Respondent-mother’s procedural due-process argument fails.

IV. ALLEGATIONS OF RESPONDENT-MOTHER’S PREVIOUS CPS INVOLVEMENT

Next, respondent-mother argues that she was prejudiced because the jury heard allegations concerning her previous involvement with Child Protective Services.

A. PRESERVATION & STANDARD OF REVIEW

Respondent-mother’s argument that the trial court erroneously failed to strike allegations concerning her previous CPS involvement is preserved because she moved the trial court to “exclude” references to her previous history with CPS under MRE 401 and MRE 403.

With respect to respondent-mother’s argument that the trial court improperly refused to strike from the petition the allegations of the prior CPS involvement, the allegations at issue state:

E. In December 2009, a CPS case was confirmed as a Category III due to [respondent-mother] leaving LC unattended at home while she was at the store. [Respondent-mother] was issued a ticket for child neglect by law enforcement.

F. In December 2010, a CPS case was confirmed as a Category III, due to [respondent-mother] being found passed out in her home with a [blood alcohol content] of 0.10. LC was found to be running around the house in only his underwear, being unattended by [respondent-mother].

In making this argument, respondent-mother does not cite any authority to support entitlement to relief. “A party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim.” *In re Bell*, 341 Mich App at 602-603 (quotation marks and citation omitted). “An appellant’s failure to properly address the merits of [her] assertion of error constitutes abandonment of the issue.” *Bank of America, NA v Fidelity Nat’l Title Ins Co*, 316 Mich App 480, 517; 892 NW2d 467 (2016) (quotation marks and citation omitted). By failing to adequately prime the pump and provide more than cursory treatment to her argument, respondent-mother has abandoned it. See *Bank of America, NA*, 316 Mich App at 517.

Nonetheless, there is no indication that a motion to strike is a recognized procedural tool available to a respondent-parent in a child-protective proceeding. Although motions to strike are available in general civil proceedings, see MCR 2.115(B), “[c]hild protective proceedings are governed by the juvenile code, MCL 712A.1 *et seq.*, and Subchapter 3.900 of the Michigan Court Rules,” *In re Miller*, 347 Mich App 420, 425; 15 NW3d 287 (2023) (quotation marks and citation omitted). Certain civil motion procedures are not available in child-protective proceedings when the court rules governing juvenile cases allows them. See *id.* at 425-426, and MCR 3.901(A)(2) (“[o]ther Michigan Court Rules apply to juvenile cases in the family division of the circuit court only when this subchapter specifically provides”). Based on the relevant court rules, MCR 2.115(B) is not incorporated into MCR 3.900 *et seq.* Nor are there rules in MCR 3.900 *et seq.*, concerning motions to strike. Instead, the Juvenile Code and applicable court rules provide a parent with specific mechanisms to contest a petition, i.e., demanding a trial to contest the merits of the petition. See MCR 3.972; *In re Sanders*, 495 Mich at 405. We could find no indication that a motion to strike allegations in a DHHS petition is a recognized procedural tool available to a respondent-parent in a child-protective proceeding.

Next, respondent-mother argues she was entitled to a separate trial on the 2009 and 2010 allegations concerning LC and that DHHS improperly “bootstrapped” them to the 2024 allegations, violating her procedural due-process rights. To the extent respondent-mother argues admission of evidence relating to the 2009 and 2010 incidents involving LC was unduly prejudicial, the trial court extensively analyzed the evidence’s admissibility under MRE 401 and MRE 403. The trial court determined the probative value of the evidence outweighed its prejudicial effect because the previous CPS involvement stemmed from respondent-mother’s failure to supervise a minor child, which was at issue at trial. Respondent-mother does not challenge the trial court’s analysis on appeal. Rather, she makes confusing arguments concerning due-process requirements, but we fail to see how respondent-mother was deprived of procedural-due process. As already explained, respondent-mother was given notice and an opportunity to be heard at the adjudication trial, which was held to determine her parental fitness. Respondent-mother’s due-process arguments in relation to the allegations concerning her history with CPS lack merit.

With respect to respondent-mother’s argument that informing the jury about her previous CPS involvement shifted the burden of proof to respondent-mother, she cites no authority to support this argument. By failing to adequately prime the pump and provide more than cursory treatment to her argument, respondent-mother has abandoned it. See *Bank of America, NA*, 316 Mich App at 517. Additionally, the argument lacks merit because the jury was instructed that DHHS bore the burden of proof. See *People v Zitka*, 335 Mich App 324, 348; 966 NW2d 786 (2020).

V. SUBJECT-MATTER JURISDICTION ARGUMENT

Next, respondent-mother argues the trial court’s instruction that the jury focus on the December 19, 2024 date for purposes of deciding parental fitness created an issue with subject-matter jurisdiction.

A. PRESERVATION & STANDARD OF REVIEW

Special steps did not need to be taken to preserve the subject-matter jurisdiction argument because, “[l]ack of subject-matter jurisdiction may be raised at any time, and parties to an action can neither confer jurisdiction by their conduct or action nor waive the defense by not raising it.” *Winters v Dalton*, 207 Mich App 76, 79; 523 NW2d 636 (1994).

B. ANALYSIS

“Jurisdiction is a court’s power to act and its authority to hear and decide a case.” *In re Petition of Tuscola Co Treasurer for Foreclosure*, 317 Mich App 688, 694; 895 NW2d 569 (2016) (quotation marks and citation omitted). “Jurisdiction has two parts—subject matter and personal. Subject-matter jurisdiction is the right of the court to exercise judicial power over a class of cases, not the particular case before it. Personal jurisdiction is a court’s authority to make decisions which affect the parties’ rights and liabilities.” *Mol v Mol*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket Nos. 370949; 371184); slip op at 4 (quotation marks and citations omitted).

“With respect to subject-matter jurisdiction, circuit courts are Michigan’s courts of general jurisdiction.” *Id.* at ___; slip op at 4, citing Const 1963, art 6, § 1. By statute, “[c]ircuit courts have original jurisdiction to hear and determine all civil claims and remedies, except where exclusive jurisdiction is given in the constitution or by statute to some other court or where the circuit courts are denied jurisdiction by the constitution or statutes of this state.” MCL 600.605. In turn, the family division of the circuit court “has sole and exclusive jurisdiction over . . . [c]ases involving juveniles as provided in [the juvenile code, MCL 712A.1 *et seq.*]” MCL 600.1021(1)(e) and MCL 600.601(4). Respondent-mother does not dispute the family division of the Oakland Circuit Court has subject-matter jurisdiction of a case brought under the juvenile code. Because this case was within the class of cases over which the trial court had judicial power, the trial court had subject-matter jurisdiction. See *Mol*, ___ Mich App at ___; slip op at 4 (defining subject-matter jurisdiction). See also *In re Hatcher*, 443 Mich at 437.

As we see it, respondent-mother’s arguments actually relate to the trial court’s exercise of jurisdiction under MCL 712A.2(b). The jurisdictional requirements in MCL 712A.2(b) provide for jurisdiction if either the trial court, or a jury, finds the statutory grounds for jurisdiction in MCL 712A.2(b) are met by a preponderance of the evidence. See *In re MOTA*, 334 Mich App at 312-313. Stated differently, the exercise of jurisdiction under MCL 712A.2(b) is dependent on the particular case, and the particular child, before the trial court. As a result, the jurisdiction required by MCL 712A.2(b) does not concern subject-matter jurisdiction. See *Usitalo v Landon*, 299 Mich App 222, 230-231; 829 NW2d 359 (2013) (holding the “defendant’s understanding of subject-matter jurisdiction is incorrect because subject-matter jurisdiction concerns only a court’s authority to exercise judicial power over broad classes of cases and does not consider particular cases within the broad class”).

Whether the trial court’s interpretation of jurisdiction under MCL 712A.2(b) was correct as a matter of law has no effect on whether the trial court had subject-matter jurisdiction because, as noted above, subject-matter jurisdiction concerns a court’s right to exercise judicial power over certain classes of cases independent of the particular facts of those cases. See *Mol*, ___ Mich App

at ____; slip op at 4. Thus, even if the July 22, 2025 date was the relevant date for purposes of adjudication, it would not create an issue with subject-matter jurisdiction.

VI. SUFFICIENCY OF THE EVIDENCE CONCERNING HRLR AND VCMY

Finally, although not set out as a separate argument or listed as an issue presented, respondent-mother argues in a very cursory manner (made in one or two sentences) that the jury improperly found jurisdiction as to HRLR and VCMY because “there does not appear to be an independent basis to support the jury’s findings as to VCMY and HRLR.” We do not agree.

With respect to VCMY, in December 2024, respondent-mother had custody of VCMY, who did not have a relationship with respondent-father. Evidence supports respondent-mother’s failure to protect SAR from DRRY directly harmed VCMY. VCMY saw DRRY sexually assault SAR in November 2024, and as a result struggled emotionally. Respondent-mother could have prevented this by taking action in May 2024. The evidence supports, because of respondent-mother’s poor parenting skills, VCMY felt responsible for respondent-mother’s feelings. Indeed, VCMY stated that he had to stay strong for respondent-mother. Although respondent-mother sought resources from the children’s schools, respondent-mother admitted VCMY was not in therapy in December 2024. Also, during an interview with VCMY, it was clear respondent-mother told him to lie about her knowledge of DRRY’s history of perpetrating sexual assaults on SAR. The jury’s determination that jurisdiction as to VCMY was proper under MCL 712A.2(b)(1) is supported by the evidence.

While “[t]he fact that there are statutory grounds to assume jurisdiction over one minor child does not automatically mean that there are statutory grounds to assume jurisdiction over a second minor child,” *In re Kellogg*, 331 Mich App 249, 254; 952 NW2d 544 (2020),⁵ the evidence also supports jurisdiction was properly exercised as to HRLR under MCL 712A.2(b)(1). Respondent-mother and nonrespondent-father shared custody of six-year-old HRLR in December 2024. HRLR lived in a home where his sister was being sexually assaulted, and respondent-mother admittedly failed to seek mental health treatment for him. Although there was no evidence presented at trial that HRLR was sexually assaulted or observed the sexual assaults between DRRY and SAR, only a substantial risk of harm to HRLR’s mental health had to be shown by a preponderance of the evidence to support jurisdiction under MCL 712A.2(b)(1). When viewing the evidence in a light most favorable to DHHS, a substantial risk of harm to HRLR’s mental well-being can be inferred. The jury was entitled to make inferences about the risk to HRLR’s mental health on the basis of the trial testimony and the jury’s observations of the witnesses. See *In re Sluiter*, 351 Mich App 706, 725; 36 NW3d 371 (2024).

⁵ Respondent-mother is correct the jury was not instructed on the doctrine of anticipatory neglect, which “allows an inference that a parent’s treatment of one child is probative of how that parent will treat other children.” *In re Kellogg*, 331 Mich App at 259.

Affirmed.

/s/ Christopher M. Murray

/s/ Mark T. Boonstra

/s/ Michael J. Riordan