If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

CHLOE ELIZABETH RICE,

Plaintiff-Appellee,

v

ANTHONY CHRISTOPHER SORRENTINO,

Defendant-Appellee,

and

JENNIFER RICE,

Appellant.

UNPUBLISHED
October 21, 2026
12:02 PM

No. 376093
Kalamazoo Circuit Court
LC No. 2014-005510-DS

Before: SWARTZLE, P.J., and ACKERMAN and TREBILCOCK, JJ.

PER CURIAM.

Appellant-grandmother Jennifer Rice appeals by leave granted[1] an order denying her motion to intervene in this postjudgment custody dispute. The trial court denied the motion on the ground that grandmother could not satisfy the requirements of MCL 722.26c, the statute that governs when a third person may initiate an action for custody. We affirm.

I. BACKGROUND

Plaintiff-mother and defendant-father share one minor child, SS. Grandmother is SS's maternal grandmother. A consent judgment of support entered in April 2014 awarded mother sole

[1] *Rice v Sorrentino*, unpublished order of the Court of Appeals, entered July 25, 2025 (Docket No. 376093).

legal and physical custody of SS and granted father reasonable parenting time as agreed on by the parties.

According to grandmother, on February 16, 2025, she received a late-night telephone call from 12-year-old SS in which SS pleaded for help. When grandmother arrived at mother's house, she saw that mother was intoxicated, and SS reported that mother had physically assaulted her, leaving bruises on her arms, back, and forehead. Law enforcement was contacted, and SS and her half-siblings were taken to grandmother's home, where Children's Protective Services (CPS) permitted the children to remain. Mother later pleaded guilty to domestic violence and was placed on probation.

On March 12, 2025, mother executed a limited power of attorney purporting to delegate SS's care to Michael Gothberg, the father of one of mother's other children. On or about March 21, 2025, SS was removed from grandmother's home and placed with Gothberg. The circumstances of that removal are disputed in the record: grandmother contends that CPS removed the child without notice or court authorization, while mother claims that she moved SS on the recommendation of a CPS worker who feared that grandmother would estrange the child from her. It is undisputed that after the transfer, SS was withdrawn from her school and enrolled elsewhere. Grandmother asserts that her contact with SS was thereafter cut off.

On April 14, 2025, father filed a motion to modify custody and parenting time. Mother answered and opposed the motion. On April 16, 2025, grandmother filed a verified motion to intervene and to modify custody and parenting time, asserting that father's pending custody motion supplied an existing custody dispute and that the trial court should award her custody under MCL 722.27(1) because doing so was in SS's best interests.

At oral argument on grandmother's motion, neither parent opposed her intervention. Both parents acknowledged on the record that a custody dispute was pending and that grandmother had a longstanding relationship with SS, although mother objected to any interim relief that would remove the child from her placement with Gothberg. The trial court ultimately denied the motion to intervene, reasoning that grandmother had not met the requirements of MCL 722.26c(1)(a) and (1)(b). This appeal followed.

II. STANDARD OF REVIEW

We review a trial court's decision on a motion to intervene for an abuse of discretion, which "occurs when the decision results in an outcome falling outside the principled range of outcomes." *In re Macomb Co Treasurer for Foreclosure*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 367856); slip op at 5 (citation omitted). Further, "[a] trial court necessarily abuses its discretion when it makes an error of law." *Pirgu v United Servs Auto Ass'n*, 499 Mich 269, 274; 884 NW2d 257 (2016). We review de novo questions of law, including the proper interpretation of statutes and court rules, *Macomb*, ___ Mich App at ___; slip op at 5, and whether a party has standing, *Grady v Wambach*, 339 Mich App 325, 329; 984 NW2d 463 (2021).

III. DISCUSSION

The Child Custody Act "governs custody, parenting time, and child support issues for minor children in Michigan, and it is the exclusive means of pursuing child custody rights."

LeFever v Matthews, 336 Mich App 651, 662; 971 NW2d 672 (2021). The Act defines a "third person" as "an individual other than a parent," MCL 722.22(k), and treats a third person who seeks custody differently depending on the posture in which custody is sought.

MCL 722.26c governs when a third person may initiate custody proceedings. It authorizes such an action only if the court finds either that the child was placed with the third person for adoption and has resided with the third person for at least six months, MCL 722.26c(1)(a), or that the child's biological parents were never married, the parent with custody has died or is missing while the other parent has not been granted legal custody by court order, and the third party is related to the child within the fifth degree by marriage, blood, or adoption, MCL 722.26c(1)(b). Absent those circumstances, a third person generally may not "create a custody dispute by simply filing a complaint in circuit court alleging that giving legal custody to the third party is in the best interests of the child." *Bowie v Arder*, 441 Mich 23, 49; 490 NW2d 568 (1992).

When a custody dispute is already pending, however, MCL 722.27(1)(a) authorizes the court to award custody to a third person. That subsection provides that, once "a child custody dispute has been submitted to the circuit court as an original action . . . or has arisen incidentally from another action in the circuit court or an order or judgment of the circuit court," the court may, "for the best interests of the child," "[a]ward the custody of the child to 1 or more of the parties involved *or to others*." MCL 722.27(1)(a) (emphasis added). Thus, the "threshold requirement" for a custody award under MCL 722.27(1)(a) is "that an existing custody dispute is properly before the circuit court." *Terry v Affum (On Remand)*, 237 Mich App 522, 533; 603 NW2d 788 (1999). The term "child custody dispute" is construed broadly to mean "any action or situation involving the placement of a child." *Sirovey v Campbell*, 223 Mich App 59, 68; 565 NW2d 857 (1997) (citation omitted).

Read together, the two statutes serve different functions. MCL 722.26c limits who may initiate a custody action, while MCL 722.27(1) governs the court's authority to place a child with a third party once a custody dispute is properly before it. A third party's inability to satisfy MCL 722.26c therefore bars the party from initiating a custody action. It does not preclude a trial court from resolving a pending custody dispute by awarding custody to a third person.

Applying that framework here, father's April 14, 2025 motion to modify custody and parenting time was an "action or situation involving the placement of" SS, *Sirovey*, 223 Mich App at 68, and it submitted a child custody dispute to the trial court that remained pending when grandmother moved to intervene two days later. Grandmother did not seek to initiate a custody dispute; she sought to intervene in one that father had already placed before the court. To that extent, the trial court's stated rationale for denying the motion was imprecise: MCL 722.26c speaks to a third party's ability to bring an original action for custody, not to a third party's request to participate in a dispute that a proper party has already submitted to the court.

That imprecision does not, however, resolve whether grandmother was entitled to intervene. It is well established that "a party moving to intervene in litigation . . . must demonstrate that the party has standing to assert his or her claims." *In re Anjoski*, 283 Mich App 41, 52 n 4; 770 NW2d 1 (2009). "Generally, a party has standing if it has some real interest in the cause of action . . . or interest in the subject matter of the controversy." *Id*. at 50 (quotation marks and citation omitted). But "this concept is not given such a broad application in the context of child

custody disputes involving third parties." *Id*. A third party does not have standing merely because he or she resides with the child or has a personal stake in the litigation, nor may a third party manufacture standing simply by asking to participate in a dispute that a proper party has brought. *Id*. at 50-51.

Instead, "under the Child Custody Act the Legislature has limited standing for third parties to two circumstances." *Id*. at 51. A child's guardian or limited guardian "has standing to bring an action for custody of the child as provided in [the Child Custody Act]." MCL 722.26b(1). And a third party has standing under MCL 722.26c(1)(b) if the child's biological parents were never married, the custodial parent has died or is missing while the other parent has not been granted legal custody, and the third party is related to the child within the fifth degree by marriage, blood, or adoption. A third party who does not qualify under those statutory provisions "lacks standing to create a custody dispute." *Anjoski*, 283 Mich App at 52. And because "a party moving to intervene in litigation . . . must demonstrate that the party has standing to assert his or her claims," the same limitation forecloses intervention: a third party "does not have standing to create a custody dispute, or to intervene, in the absence of satisfying either of the statutory standing requirements." *Id*. at 52 nn 4-5.[2]

Grandmother does not have standing under either statute. She is not SS's guardian, so MCL 722.26b does not confer standing on her. Nor does she dispute that she cannot satisfy MCL 722.26c(1)(a) or (b). To the contrary, the trial court expressly found that grandmother "had not met the requirements of MCL 722.26c(1)(a) and (1)(b)," and grandmother does not challenge that finding on appeal. Instead, she argues that those requirements should not apply because a custody dispute was already pending when she sought to intervene and her request was based on the court's authority under MCL 722.27(1)(a) to award custody to third parties. But an award of custody to a third party under MCL 722.27(1)(a) "is based not on the third party's legal right to custody of the child, but on the court's determination of the child's best interests." *Bowie*, 441 Mich at 49 n 22. In other words, although MCL 722.27(1)(a) authorizes a trial court to award custody to a third party—irrespective of the third party's standing—if it determines that doing so is in the child's best interests, a third party who seeks to become a party to a pending custody dispute must nonetheless establish standing under MCL 722.26b or MCL 722.26c. See *Anjoski*, 283 Mich App at 63. Absent standing, "a third party . . . cannot become a party to a custody dispute," even one already pending between proper parties. *Id*.

In support of her contention that she is entitled to intervene, grandmother relies on *Howard v Howard*, 310 Mich App 488; 871 NW2d 739 (2015). That reliance is misplaced. In *Howard*,

---

[2] Though *Anjoski*, *id*. at 51, held that MCL 722.26b(1) and MCL 722.26c(1)(b) set forth the "two circumstances" under which a third party has standing to seek child custody, as noted earlier in this opinion, MCL 722.26c(1)(a) additionally confers standing to a third party with whom the child was placed for adoption, provided that the placement order is still in effect at the time the custody action is filed and that the child has resided with the third person for at least six months. MCL 722.26c(1)(a)(*i*)-(*ii*). In any event, because grandmother does not challenge the trial court's finding that she could not meet the requirements of MCL 722.26c(1)(a), we need not address that subdivision further.

the children were already living with the third party when a natural parent moved to displace that placement. This Court held that, under those circumstances, "whether [the third party] had standing was not an issue" because "once a natural parent initiates a custody dispute with a third-party custodian, the third party has the right to—and indeed must—present evidence in support of that party's claim that the child's best interests are served by the continued placement" with the third party. *Id*. at 495-497. Here, unlike the third party in *Howard*, grandmother seeks to obtain custody she does not have rather than to defend an existing custodial arrangement. She therefore bears the burden of establishing that she has standing to intervene, *Anjoski*, 283 Mich App at 51-52, and she has not met that burden.

In sum, although the trial court did not analyze grandmother's motion in terms of standing, it reached the correct result by denying her request to intervene. Grandmother has not established standing under MCL 722.26b or MCL 722.26c, and she "does not have standing to create a custody dispute, or to intervene, in the absence of satisfying either of the statutory standing requirements." *Id*. at 52 n 5. Our conclusion does not, however, preclude the trial court from awarding grandmother custody under MCL 722.27(1)(a) if it determines that doing so is in SS's best interests.[3]

Affirmed.

/s/ Brock A. Swartzle
/s/ Matthew S. Ackerman
/s/ Christopher M. Trebilcock

[3] Our conclusion likewise does not preclude grandmother from moving for grandparenting time under MCL 722.27b(1), assuming she meets the requirements for doing so.