

Order

Michigan Supreme Court
Lansing, Michigan

October 23, 2026

SC: 170672
COA: 379316
Oakland CC Family Division: 22-885329-NA

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

In re WHEELER, Minors.

On order of the Court, the application for leave to appeal the August 12, 2026 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and 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 respondent in the Court of Appeals. See MCR 7.316(D)(1); MCR 3.993(D). The record in this case reveals that 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, failing to analyze claims, and failing to include all claims in the statement of questions presented. A right to counsel necessarily includes the right to competent counsel. See *In re Trowbridge*, 155 Mich App 785, 786 (1986); *In re Osborne (On Remand, After Remand)*, 237 Mich App 597, 606 (1999). Respondent did not receive competent appellate counsel and is thus entitled to a new appeal.

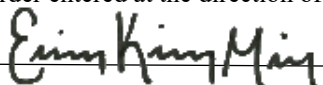
We do not retain jurisdiction.



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I, Elizabeth Kingston-Miller, 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.

October 23, 2026


Clerk