



High court: Grandparents can seek visitation with grandkids

By: [Traci R. Gentilozzi](#) in [The MiLW Blog](#) April 24, 2014

Grandparents, whose son involuntarily lost his parental rights prior to his death, can seek visitation with their grandchildren, the Michigan Supreme Court has decided.

The high court's [order](#) reversed both the Michigan Court of Appeals and the Saginaw Circuit Court decisions in the case, *Porter v. Hill*.

“Our Michigan Supreme Court has spoken and stood firmly that our state will protect the family of children as seen from their eyes,” said Bloomfield Hills family-law attorney Richard S. Victor, who has been closely watching the case. “Grandparents rights and the rights of children to have access to their family will be respected and protected.”

The Court of Appeals had ruled the deceased dad was not a “legal parent” because his parental rights were terminated. Therefore, the grandparents were not “legal grandparents” and they could not ask for visitation, the appeals court said.

The Supreme Court heard oral arguments in *Porter* earlier this year. In lieu of granting leave, the high court overturned the Court of Appeals decision.

“The Court of Appeals erred in holding that the parents of a man whose parental rights to his minor children were involuntarily terminated before his death did not have standing to seek grandparenting time with the children under the Child Custody Act, MCL 722.21, et seq., when, under the circumstances of this case, a biological parent is encompassed by the term ‘natural parent’ in MCL 722.22(e) and (h), regardless of whether the biological parent’s parental rights have been terminated,” the Supreme Court said.

The high court remanded the case to the Saginaw Circuit Court for further proceedings.

The defendant in the case, Christina Hill, is the biological mother and legal parent of two children she had with Russell Porter. Russell was the son of the plaintiffs, Robert and Judith Porter.

The court had terminated Russell’s parental rights because he abused the children. Russell and the defendant later divorced, and he paid child support until his death.

After Russell died, the plaintiffs asked the Saginaw County Circuit Court for a grandparenting-time order. But the defendant argued the plaintiffs did not have standing because Russell’s parental rights had been terminated involuntarily. The trial court summarily dismissed the plaintiffs’ case. A Court of Appeals majority affirmed.