

Order

Michigan Supreme Court
Lansing, Michigan

September 30, 2008

Clifford W. Taylor,
Chief Justice

ADM File No. 2008-22

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of Rules 3.903
and 3.920 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 3.903 and 3.920 of the Michigan Court Rules are adopted, effective January 1, 2009.

[Additions are indicated by underline, and deletions by strikethrough.]

Rule 3.903 Definitions

(A) General Definitions. When used in this subchapter, unless the context otherwise indicates:

(1)-(2)[Unchanged.]

(3) "Confidential file" means

(a) [Unchanged.]

(b) the contents of a social file maintained by the court, including materials such as

(i)-(iii) [Unchanged.]

(iv) ~~Family Independence Agency~~Department of Human Services records;

(v) [Unchanged.]

(vi) victim statements;

(vii) information regarding the identity or location of a foster parent, preadoptive parent, or relative caregiver.

(4)-(26) [Unchanged.]

(B) [Unchanged.]

(C) Child Protective Proceedings. When used in child protective proceedings, unless the context otherwise indicates:

(1)-(3)[Unchanged.]

(4) "Foster care" means 24-hour a day substitute care for children placed away from their parents, guardians, or legal custodians, and for whom the court has given the ~~Family Independence Agency~~Department of Human Services placement and care responsibility, including, but not limited to,

(a)-(b) [Unchanged.]

(5)-(10) [Unchanged.]

(D) Designated Proceedings.

(1)-(7) [Unchanged.]

(8) "Specified juvenile violation" means any offense, attempted offense, conspiracy to commit an offense, or solicitation to commit an offense, as enumerated in MCL 712A.2d, that would constitute:

(a)-(o) [Unchanged.]

(p) escape or attempted escape from a medium-security or high-security facility operated by the ~~Family Independence Agency~~Department of Human Services or a high-security facility operated by a private agency under contract with the ~~Family Independence Agency~~Department of Human Services, MCL 750.186a;

(q)-(r) [Unchanged.]

(9) [Unchanged.]

(E) [Unchanged.]

Rule 3.920 Service of Process

(A)–(G) [Unchanged.]

(H) Proof of Service.

(1)–(3) [Unchanged.]

(4) Content. The proof of service must identify the papers served. A proof of service for papers served on a foster parent, preadoptive parent, or relative caregiver shall be maintained in the confidential social file as identified in MCR 3.903(A)(3)(b)(vii).

(5) [Unchanged.]

Staff Comment: The amendments clarify that information regarding the identity or location of a foster parent, preadoptive parent, or relative caregiver is part of the confidential file and, therefore, a proof of service that includes identifying or location information regarding those parties must also be maintained in the confidential file. In addition, the amendments change references in the rule from Family Independence Agency to Department of Human Services.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, 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.

September 30, 2008

Corbin R. Davis

Clerk