

Order

Michigan Supreme Court
Lansing, Michigan

January 28, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2025-42

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

Amendments of Rules 3.207 and
3.613 of the Michigan Court Rules,
Rules 612, 703, and 803 of the
Michigan Rules of Evidence, and
Administrative Order No. 2003-1

On order of the Court, the following amendments are adopted, effective immediately.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 3.207 Ex Parte, Temporary, and Protective Orders

(A) [Unchanged.]

(B) Ex Parte Orders.

(1) Pending the entry of a temporary order, the court may enter an ex parte order if the court is satisfied by specific facts set forth in an affidavit or verified pleading that irreparable injury, loss, or damage will result from the delay required to effect notice, or that notice itself will precipitate adverse action before an order can be issued.

(a) [Unchanged.]

(b) The court must not issue an order that could alter a child's established custodial environment without also scheduling an evidentiary hearing under MCL 722.27 to determine whether ~~there is~~ clear and convincing evidence exists to support the order. The hearing must be held within 21 days after entry of the ex parte order and a notice of the hearing must be included in the ex parte order. An ex parte order entered under this subsection will expire upon issuance of a subsequent order following the evidentiary hearing.

(2)-(5)[Unchanged.]

- (6) An ex parte order providing for child support, custody, or parenting time pursuant to MCL 722.27a, must include the following notice:

“Notice:

1. You may file a written objection to this order or a motion to modify or rescind this order. You must file the written objection or motion with the clerk of the court within 14 days after you were served with this order. You must serve a true copy of the objection or motion on the friend of the court and the party who obtained the order.

2. If you file a written objection, the friend of the court must notify the court to cancel any evidentiary hearing date specified in the ex parte order and try to resolve the dispute. If the friend of the court cannot resolve the dispute, the friend of the court must provide you with form pleadings and written instructions if you wish to bring the matter before the court without the assistance of counsel, and must reschedule the cancelled evidentiary hearing or schedule a hearing with the court.

3. The ex parte order will automatically become a temporary order if you do not file a written objection or motion to modify or rescind the ex parte order. If an evidentiary hearing date is specified in the ex parte order and you do not file a written objection or motion, a hearing will take place on the specified date. If an evidentiary hearing date is specified in the ex parte order and you file a motion, a hearing will take place on the specified date. Even if an objection or motion is filed, the ex parte order will remain in effect and must be obeyed unless changed by a later court order.”

In all other cases, the ex parte order must state that it will automatically become a temporary order if the other party does not file a written objection or motion to modify or rescind the ex parte order and a request for a hearing. The written objection or motion and the request for a hearing must be filed with the clerk of the court, and a true copy provided to the friend of the court and the other party, within 14 days after the order is served.

- (7) [Unchanged.]

- (C) [Unchanged.]

Rule 3.613 Change of Name

- (A) [Unchanged.]

- (B) Published Notice; Contents. Unless otherwise provided in this rule, the court must order publication of the notice of the proceeding to change a name in a newspaper in the county where the action is pending. If the court has waived fees under MCR 2.002, it must pay the cost of any ordered publication, including any affidavit fee charged by the publisher or the publisher's agent for preparing the affidavit pursuant to MCR 2.106(G). Any case record reflecting court payment must be nonpublic. A published notice of a proceeding to change a name must include the name of the petitioner; the current name of the subject of the petition; the proposed name; and the time, date, and place of the hearing, if any, or alternatively, the date by which a person with the same or similar name to the petitioner's proposed name must file a motion to intervene. Proof of service must be made as provided by MCR 2.106(G)(1).
- (C) No Publication of Notice; Confidential Record. Upon receiving a petition showing good cause, the court must order that no publication of notice of the proceeding take place and that the record of the proceeding be confidential. Good cause includes but is not limited to evidence that publication or availability of the record of the proceeding could place the petitioner or another individual in physical danger, at an increased likelihood of such danger, or at risk of unlawful retaliation or discrimination. Good cause must be presumed as provided in MCL 711.3.

(1)-(3) [Unchanged.]

- (4) If a petition requesting nonpublication under this subrule is denied, the court must issue a written order that states the reasons for denying relief and advises the petitioner of the right to

(a)-(b) [Unchanged.]

- (c) ~~proceed with a hearing~~ on the name change petition by submitting a publication of notice regarding aof hearing for name change proceeding form with the court within 14 days of entry of the order denying the petition requesting nonpublication. If the petitioner submits such form, the court may set a time, date, and place of a hearing and must order publication in accordance with subrule (B).

(5)-(10) [Unchanged.]

(D)-(G) [Unchanged.]

Michigan Rules of Evidence

Rule 612 Writing or Object Used to Refresh a Witness's Memory

[Rule unchanged.]

Rule 703 Bases of an Expert's Opinion Testimony

[Rule unchanged.]

Rule 803 Exceptions to the Rule Against Hearsay

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

(1)-(12) [Unchanged.]

(13) Family Record. A statement of fact about personal or family history contained in a family record, such as a Bible, genealogy, chart, engraving on a ring, inscription on a portrait, or engraving on an urn, or burial marker.

(14)-(23) [Unchanged.]

Administrative Order No. 2003-1 – Concurrent Jurisdiction

Paragraphs 1-5 [Unchanged.]

A plan of concurrent jurisdiction takes effect as ordered~~will not take effect until at least 90 days after it is approved~~ by the Supreme Court. Each plan shall be submitted to the Supreme Court in the format specified by the State Court Administrative Office.

Staff Comment (ADM File No. 2025-42): These amendments update cross-references and make other nonsubstantive revisions to clarify the rules.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



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.

January 28, 2026

Elizabeth Kingston-Miller
Clerk