

Order

Michigan Supreme Court
Lansing, Michigan

March 25, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2023-23

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

Proposed Amendment of
Rule 3.972 of the Michigan
Court Rules

The Court, having given an opportunity for comment in writing and at a public hearing, again seeks public comment regarding the proposed amendment of Rule 3.972 of the Michigan Court Rules. The Court has adopted an [amendment of MCR 3.942](#) and revised the [original proposed amendment of MCR 3.972](#) and is interested in receiving additional comments on this revised proposal.

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.972 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

Rule 3.972 Trial

(A)-(C) [Unchanged.]

(D) Recommendation by Lawyer-Guardian ad Litem. At the conclusion of the proofs or following a motion filed by a respondent under subrule (E), the lawyer-guardian ad litem for the child may make a recommendation to the finder of fact regarding whether one or more of the statutory grounds alleged in the petition have been proven.

(E) Bench Trial. In an action tried without a jury, a respondent may make a motion pursuant to MCR 2.504(B)(2) at the close of the petitioner's case-in-chief. A motion

filed and the court's decision must pertain only to that portion of the case involving the respondent that filed the motion. A party other than the respondent that filed the motion may request to present evidence to the court before it decides the motion. If all other parties request to present evidence, the court must deny the respondent's motion and proceed with the action.

(FE) Verdict. In a child protective proceeding, the verdict must be whether one or more of the statutory grounds alleged in the petition have been proven. At a trial without a jury, the court must state on the record or in a written opinion its findings of fact and conclusions of law.

(F)-(G) [Relettered (G)-(H) but otherwise unchanged.]

Staff Comment (ADM File No. 2023-23): The proposed amendment of MCR 3.972 would require the court, in child protective proceeding bench trials, to make findings of fact and conclusions of law and allow for the equivalent of an involuntary dismissal.

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.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by July 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the [Court's Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2023-23. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

March 25, 2026

Elizabeth Kingston-Miller
Clerk