

Order

Michigan Supreme Court
Lansing, Michigan

April 17, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2025-04

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

Proposed Amendment of
Rule 3.613 of the Michigan
Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.613 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 3.613 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, 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~~establishing 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~~ ~~or increased~~ the likelihood of such danger, ~~or such as evidence that the petitioner or another individual has been the victim of stalking, domestic violence, human trafficking, harassment, or an assaultive crime, or evidence that publication or the availability of a record of the proceeding could place the petitioner or another individual at risk of unlawful retaliation or discrimination.~~ Good cause must be presumed as provided in MCL 711.3.

- (1) ~~A petition that shows~~ Evidence supporting good cause must ~~state~~ include the petitioner's or the endangered individual's sworn statement stating the reason(s) why the petitioner or the endangered individual fears publication or availability of the record of the proceedings supporting good cause, including but not limited to fear of physical danger, if the record is published or otherwise available. The court must not require proof of an arrest or prosecution to find that a petition shows ~~reach a finding of~~ good cause.
- (2) [Unchanged.]
- (3) If a petition requesting nonpublication under this subrule is granted, the court must:
 - (a) [Unchanged.]
 - (b) notify the petitioner of its decision and the time, date, and place of the hearing, if any, on the requested name change under subrule (A); and
 - (c) [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 of hearing for name change form with the court within 14 days of entry of the order denying the petition requesting nonpublication. If the petitioner submits such form, ~~in accordance with subrule (B)~~ the court ~~may~~ must set a time, date, and place of a hearing and must order publication in accordance with subrule (B).
- (5)-(9) [Unchanged.]

- (10) If a petition requesting nonpublication under this subrule is denied, and the petitioner or the court proceed with ~~thesetting a time, date, and place of a hearing on the petition for a name change~~ as provided in subrules (4)(c) or (6), the court must order that the record is no longer confidential.
- (D) Minor's Signature. A petition for a change of name by a minor need not be signed in the presence of a judge. ~~However, the separate written consent that must be signed by a minor 14 years of age or older shall be signed in the presence of the judge.~~
- (E) Notice to Noncustodial Parent. Service on a noncustodial parent of a minor who is the subject of a petition for change of name must be made in the following manner:
- (1) [Unchanged.]
 - (2) Address Unknown. If the noncustodial parent's address or whereabouts is not known and cannot be ascertained after diligent inquiry, that parent must be served with a notice of hearing by one of the following methods:
 - (a) by publishing in a newspaper and filing a proof of service as provided by MCR 2.106(G)(1). Unless otherwise provided in this rule, the notice must be published one time at least 14 days before the date of ~~any~~the hearing, must include the name of the noncustodial parent and a statement that the result of the hearing may be to bar or affect the noncustodial parent's interest in the matter, and that publication must be in the county where the court is located unless a different county is specified by statute, court rule, or order of the court. A notice published under this subrule need not set out the contents of the petition if it contains the information required under subrule (B). A single publication may be used to notify the general public and the noncustodial parent whose address cannot be ascertained if the notice contains the noncustodial parent's name.
 - (b) [Unchanged.]
- (F)-(G) [Unchanged.]

Staff Comment (ADM File No. 2025-04): The proposed amendment of MCR 3.613 would realign the rule with recent amendments of MCL 711.1 and MCL 711.3 regarding name change proceedings.

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 August 1, 2025 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. 2025-04. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, 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.

April 17, 2025

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk