

Order

Michigan Supreme Court
Lansing, Michigan

May 3, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-28

Brian K. Zahra
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Justices

Amendments of Rules 1.109, 1.201, 2.622,
3.002, 3.218, 3.616, 3.903, 3.914, 3.921,
3.928, 3.946, 3.953, 3.956, 3.963, 3.965,
3.972, 3.979, 5.404, 6.006, 6.450, 6.903,
6.931, 6.933, 6.935, 6.937, 7.105, 7.202,
7.305, 8.103, 8.105, and 8.119 of the
Michigan Court Rules and Rule 5 and Rule
8 of the Rules for the Board of Law Examiners

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 1.109 Court Records Defined; Document Defined; Filing Standards; Signatures;
Electronic Filing and Service; Access

(A)-(F) [Unchanged.]

(G) Electronic Filing and Service.

(1)-(2) [Unchanged.]

(3) Scope and Applicability.

(a)-(e) [Unchanged.]

(f) For the required case types, attorneys must electronically file documents in courts where electronic filing has been implemented, unless an attorney filing on behalf of a party is exempted from electronic filing under subrule (h) because of a disability. All other filers are required to electronically file documents only in courts that have been granted approval to mandate electronic filing by the State Court Administrative Office under AO 2019-2.

(g)-(l) [Unchanged.]

(4)-(7) [Unchanged.]

(H) [Unchanged.]

Rule 1.201 Amendment Procedure

(A) Notice of Proposed Amendment. Before amending the Michigan Court Rules or other sets of rules within its jurisdiction, the Supreme Court will notify the secretary of the State Bar of Michigan and the state court administrator of the proposed amendment, and the manner and date for submitting comments. The notice also will be posted on the Court's website,
<http://courts.mi.gov/courts/michigansupremecourt/rules/court-rules-adminmatters/pages/default.aspx>.

(B)-(E) [Unchanged.]

Rule 2.622 Receivers

(A) [Unchanged.]

(B) Selection of Receiver. If the court determines there is good cause to appoint a receiver, the court shall select the receiver in accordance with this subrule. Every receiver selected by the court must have sufficient competence, qualifications, and experience to administer the receivership estate.

(1)-(5) [Unchanged.]

(6) Except as otherwise provided by law or by subrule (B)(7), a person or entity may not serve as a receiver or in any other professional capacity representing or assisting the receiver, if such person or entity:

(a)-(g) [Unchanged.]

(h) is an "insider" as defined by MCL 566.31(ih);

(i)-(j) [Unchanged.]

(7) [Unchanged.]

(C)-(I) [Unchanged.]

Rule 3.002 Indian Children

For purposes of applying the Indian Child Welfare Act, 25 USC 1901 *et seq.*, and the Michigan Indian Family Preservation Act, MCL 712B.1 *et seq.*,² to proceedings under the

Juvenile Code, the Adoption Code, and the Estates and Protected Individuals Code, the following definitions taken from MCL 712B.3 and MCL 712B.7 shall apply.

(1)-(4) [Unchanged.]

(5) “Department” means the department of health and human services or any successor department or agency.

(6)-(24) [Unchanged.]

Rule 3.218 Friend of the Court Records; Access

(A) General. Friend of the court records are not subject to a subpoena issued under these Michigan Court Rules. Unless another rule specifically provides for the protection or release of friend of the court records, this rule governs. When used in this subrule, unless the context indicates otherwise,

(1)-(2) [Unchanged.]

(3) “confidential information” means

(a) [Unchanged.]

(b) any confidential information from the Department of Health and Human Services child protective services unit or information included in any reports to protective services from a friend of the court office;

(c)-(h) [Unchanged.]

(4)-(5) [Unchanged.]

(B) [Unchanged.]

(C) Unless the release is otherwise prohibited by law, a friend of the court office must provide access to all nonconfidential and confidential records to the following:

(1) [Unchanged.]

(2) The Department of Health and Human Services, as necessary to report suspected abuse or neglect or to allow the Department of Health and Human Services to investigate or provide services to a party or child in the case.

(3)-(6) [Unchanged.]

(D)-(G) [Unchanged.]

Rule 3.616 Proceeding to Determine Continuation of Voluntary Foster Care Services

(A)-(D) [Unchanged.]

(E) Ex Parte Petition; Filing, Contents, Service. Within 150 days after the signing of a voluntary foster care agreement, the Department of Health and Human Services shall file with the family division of the circuit court, in the county where the youth resides, an ex parte petition requesting the court's determination that continuing in voluntary foster care is in the youth's best interests.

(1) Contents of Petition. The petition shall contain

(a)-(e) [Unchanged.]

(f) any other information the Department of Health and Human Services, parent or legal custodian, youth, or foster parent wants the court to consider.

(2) [Unchanged.]

(3) Service. The Department of Health and Human Services shall serve the petition on

(a)-(b) [Unchanged.]

(F) Judicial Determination. The court shall review the petition, report, and voluntary foster care agreement filed pursuant to subrule (E), and then make a determination whether continuing in voluntary foster care is in the best interests of the youth.

(1) Written Order; Time. The court shall issue an order that includes its determination and individualized findings that support its determination. The findings shall be based on the Department of Health and Human Services' written report and other information filed with the court. The order must be signed and dated within 21 days of the filing of the petition.

(2) Service. The court shall serve the order on

(a) the Department of Health and Human Services;

(b)-(c) [Unchanged.]

- (G) Confidential File. The Department of Health and Human Services and the youth are entitled to access to the records contained in the file, but otherwise, the file is confidential.

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) Department of Health and Human Services records;

(v)-(vii) [Unchanged.]

(4)-(27) [Unchanged.]

(B) [Unchanged.]

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

(1)-(4) [Unchanged.]

(5) “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 Department of Health and Human Services placement and care responsibility, including, but not limited to,

(a)-(b) [Unchanged.]

(6)-(15) [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 Department of Health and Human Services or a high-security facility operated by a private agency under contract with the Department of Health and Human Services, MCL750.186a;

(q)-(r) [Unchanged.]

(E)-(F) [Unchanged.]

Rule 3.914 Prosecuting Attorney

(A)-(B) [Unchanged.]

(C) Child Protective Proceedings.

(1) Legal Consultant to Agency. On request of the Michigan Department of Health and Human Services~~Family Independence Agency~~ or of an agent under contract with the ~~department~~agency, the prosecuting attorney shall serve as a legal consultant to the ~~department~~agency or agent at all stages of a child protective proceeding.

(2) [Unchanged.]

(D)-(E) [Unchanged.]

Rule 3.921 Persons Entitled to Notice

(A)-(B) [Unchanged.]

(C) Juvenile Guardianships. In a juvenile guardianship, the following persons shall be entitled to notice:

(1) [Unchanged.]

(2) the Department of Health and Human Services;

(3)-(10) [Unchanged.]

(D)-(E) [Unchanged.]

Rule 3.928 Contempt of Court

(A)-(B) [Unchanged.]

(C) Contempt by Juvenile. A juvenile under court jurisdiction who is convicted of criminal contempt of court, and who was at least 187 years of age when the contempt was committed, may be sentenced to up to 93 days in the county jail as a disposition for the contempt. Juveniles sentenced under this subrule need not be lodged separately and apart from adult prisoners. Younger juveniles found in contempt of court are subject to a juvenile disposition under these rules.

(D) [Unchanged.]

Rule 3.946 Post-Dispositional Secure Detention Pending Return to Placement

(A) If a juvenile who has been found to have committed an offense that would be a misdemeanor or a felony if committed by an adult has been placed out of the home by court order or by the Department of Health and Human Services~~Family Independence Agency~~, and the juvenile leaves such placement without authority, upon being apprehended the juvenile may be detained without the right to bail. Any detention must be authorized by the court.

(B)-(C) [Unchanged.]

Rule 3.953 Preliminary Examination in Designated Cases

(A)-(F) [Unchanged.]

(G) Confinement. If the court has designated the case and finds probable cause to believe that a felony or an offense for which an adult could be imprisoned for more than one year has been committed and probable cause to believe that the juvenile committed the offense, the judge may confine the juvenile in the county jail pending trial. If the juvenile is under 187 years of age, the juvenile may be confined in jail only if the juvenile can be separated by sight and sound from adult prisoners and if the sheriff has approved the confinement.

Rule 3.956 Review Hearings; Probation Violation

- (A) [Unchanged.]
- (B) Violation of Probation in Delayed Imposition of Sentence Cases.
 - (1) [Unchanged.]
 - (2) Other Violations of Probation. If a juvenile placed on probation under an order of disposition delaying imposition of sentence is found by the court to have violated probation other than as provided in subrule (B)(1), the court may impose sentence or may order any of the following for the juvenile:
 - (a)-(e) [Unchanged.]
 - (f) Incarceration in the county jail for not more than 30 days if the present county jail facility would meet all requirements under federal law and regulations for housing juveniles, and if the court has consulted with the sheriff to determine when the sentence will begin to ensure that space will be available for the juvenile. If the juvenile is under 18⁷ years of age, the juvenile must be placed in a room or ward out of sight and sound from adult prisoners.
 - (g) [Unchanged.]
 - (3)-(4) [Unchanged.]
- (C) [Unchanged.]

Rule 3.963 Acquiring Physical Custody of Child

- (A) Taking Custody Without Court Order.
 - (1) [Unchanged.]
 - (2) An officer who takes a child into protective custody under this rule shall immediately notify the Department of Health and Human Services. While awaiting the arrival of the Department of Health and Human Services, the child shall not be held in a detention facility.
 - (3) If a child taken into protective custody under this subrule is not released, the Department of Health and Human Services shall immediately contact the

designated judge or referee as provided in subrule (D) to seek an ex parte court order for placement of the child pursuant to subrule (B)(4).

(B) Court-Ordered Custody

(1)-(3) [Unchanged.]

(4) Ex parte Placement Order. If an officer has taken a child into protective custody without court order under ~~subrulesubsection~~ (A), or if the Department of Health and Human Services is requesting the court grant it protective custody and placement authority, the Department of Health and Human Services shall present to the court a petition or affidavit of facts and request a written ex parte placement order. If a judge finds all the factors in subrule (B)(1)(a)-(e) are present, the judge may issue a placement order; if a referee finds all the factors in subrule (B)(1)(a)-(e) are present, the referee may issue an interim placement order pending a preliminary hearing. The written order shall contain specific findings of fact. It shall be communicated, electronically or otherwise, to the Department of Health and Human Services.

(C) Arranging for Court Appearance. An officer or other person who takes a child into protective custody must:

(1)-(3) [Unchanged.]

(4) if the court is not open, DHHS must contact the person designated under subrule (D) for permission to place the child pending the hearing;

(5)-(6) [Unchanged.]

(D) Designated Court Contact

(1) When the Department of Health and Human Services seeks a placement order for a child in protective custody under subrule (A) or (B), DHHS shall contact a judge or referee designated by the court for that purpose.

(2) If the court is closed, the designated judge or referee may issue an ex parte order for placement upon receipt, electronically or otherwise, of a petition or affidavit of facts. The order must be communicated in writing, electronically or otherwise, to the appropriate county DHHS office and filed with the court the next business day.

(A) Time for Preliminary Hearing.

(1) [Unchanged.]

(2) Severely Physically Injured or Sexually Abused Child. When the Department of Health and Human Services submits a petition in cases in which the child has been severely physically injured, as that term is defined in MCL 722.628(3)(c), or sexually abused, and subrule (A)(1) does not apply, the preliminary hearing must commence no later than 24 hours after the agency submits a petition or on the next business day following the submission of the petition.

(B) [Unchanged.]

(C) Pretrial Placement.

(1)-(4) [Unchanged.]

(5) Record Checks; Home Study. If the child has been placed in a relative's home,

(a) the court may order the Department of Health and Human Services~~Family Independence Agency~~ to report the results of a criminal record check and central registry clearance of the residents of the home to the court before, or within 7 days after, the placement, and

(b) the court must order the Department of Health and Human Services~~Family Independence Agency~~ to perform a home study with a copy to be submitted to the court not more than 30 days after the placement.

(6)-(8) [Unchanged.]

(D) [Unchanged.]

Rule 3.972 Trial

(A)-(B) [Unchanged.]

(C) Evidentiary Matters.

- (1) [Unchanged.]
- (2) Child's Statement. Any statement made by a child under 10 years of age or an incapacitated individual under 18 years of age with a developmental disability as defined in MCL 330.1100a(26) regarding an act of child abuse, child neglect, confirmed sexual abuse, or confirmed sexual exploitation, as defined in MCL 722.622(g), (k), (qz), or (raa), performed with or on the child by another person may be admitted into evidence through the testimony of a person who heard the child make the statement as provided in this subrule.

(a)-(c) [Unchanged.]

(D)-(G) [Unchanged.]

Rule 3.979 Juvenile Guardianships

(A) Appointment of Juvenile Guardian; Process. If the court determines at a posttermination review hearing or a permanency planning hearing that it is in the child's best interests, the court may appoint a juvenile guardian for the child pursuant to MCL 712A.19a or MCL 712A.19c.

- (1) Under MCR 3.979(A), the court shall order the Department of Health and Human Services to:

(a)-(b) [Unchanged.]

(2) [Unchanged.]

- (3) If the parental rights over a child who is the subject of a proposed juvenile guardianship have been terminated, the court shall not appoint a guardian without the written consent of the Michigan Children's Institute (MCI) superintendent. The court may order the Department of Health and Human Services to seek the consent of the MCI superintendent. The consent must be filed with the court no later than 28 days after the permanency planning hearing or the posttermination review hearing, or such longer time as the court may allow for good cause shown.

(a)-(c) [Unchanged.]

(B)-(C) [Unchanged.]

(D) Court Responsibilities.

- (1) [Unchanged.]
- (2) Investigation. The court shall appoint the Department of Health and Human Services or another person to conduct an investigation of the juvenile guardianship of a child when deemed appropriate by the court or upon petition by the Department of Health and Human Services or an interested person. The investigator shall file a written report with the court within 28 days of such appointment and shall serve it on the other interested parties listed in MCR 3.921(C). The report shall include a recommendation regarding whether the juvenile guardianship should continue or be modified and whether a hearing should be scheduled. If the report recommends modification, the report shall state the nature of the modification.
- (3)-(4) [Unchanged.]
- (E) [Unchanged.]
- (F) Revocation or Termination of Guardianship.
 - (1) Motion or Petition.
 - (a) Revocation of Juvenile Guardianship. The court shall, on its own motion or upon petition from the Department of Health and Human Services or the child's lawyer guardian ad litem, hold a hearing to determine whether a juvenile guardianship established under this section shall be revoked.
 - (b) [Unchanged.]
 - (2) [Unchanged.]
 - (3) Investigation and Report. In preparation for the revocation or termination hearing, the court shall order the Department of Health and Human Services to perform an investigation and file a written report of the investigation. The report shall be filed with the court no later than 7 days before the hearing. The report shall include the reasons for terminating a juvenile guardianship or revoking a juvenile guardianship, and a recommendation regarding temporary placement, if necessary.
 - (4) [Unchanged.]
 - (5) Action Following Motion or Petition to Revoke Juvenile Guardianship. After notice and a hearing on a petition to revoke the juvenile guardianship,

if the court finds by a preponderance of evidence that continuation of the juvenile guardianship is not in the child's best interests, and upon finding that it is contrary to the welfare of the child to be placed in or remain in the juvenile guardian's home and that reasonable efforts were made to prevent removal, the court shall revoke the juvenile guardianship. The court shall enter an order revoking the juvenile guardianship and placing the child under the care and supervision of the Department of Health and Human Services on a form approved by the state court administrator. Jurisdiction over the child under MCL 712A.2(b) is reinstated under the previous child protective proceeding upon entry of the order revoking the juvenile guardianship.

- (6) [Unchanged.]
- (7) Dispositional Review Hearing. The court shall hold a dispositional review hearing pursuant to MCR 3.973 or MCR 3.978 within 42 days of revocation of a juvenile guardianship. The Department of Health and Human Services shall prepare a case service plan and file it with the court no later than 7 days before the hearing. Subsequent postdispositional review hearings shall be scheduled in conformity with MCR 3.974 and MCR 3.975.

Rule 5.404 Guardianship of Minor

(A)-(B) [Unchanged.]

(C) Involuntary Guardianship of an Indian Child.

- (1) [Unchanged.]
- (2) Placement. An Indian child shall be placed in the least restrictive setting that most approximates a family and in which his or her special needs, if any, may be met. The child shall be placed within reasonable proximity to his or her home, taking into account any special needs of the child. Absent good cause to the contrary, the placement of an Indian child must be in descending order of preference with:

(a)-(b) [Unchanged.]

(c) an Indian foster family licensed or approved by the Department of Health and Human Services,

(d) [Unchanged.]

The standards to be applied in meeting the preference requirements above shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.

(3) [Unchanged.]

(D)-(E) [Unchanged.]

(F) Evidence.

(1) Involuntary Guardianship of an Indian Child. If a petition for guardianship involves an Indian child and the petition was not accompanied by a consent executed pursuant to MCL 712B.13 and these rules, the court may remove the Indian child from a parent or Indian custodian and place that child with a guardian only upon clear and convincing evidence that:

(a)-(c) [Unchanged.]

The evidence shall include the testimony of at least one qualified expert witness, as described in MCL 712B.17, who has knowledge about the child-rearing practices of the Indian child's tribe. The active efforts must take into account the prevailing social and cultural conditions and way of life of the Indian child's tribe. If the petitioner cannot show active efforts have been made, the court shall dismiss the petition and may refer the petitioner to the Department of Health and Human Services for child protective services or to the tribe for services.

(2)-(4) [Unchanged.]

(G) Review of Guardianship for Minor.

(1) [Unchanged.]

(2) Investigation. The court shall appoint the Department of Health and Human Services or any other person to conduct an investigation of the guardianship of a minor. The investigator shall file a written report with the court within 28 days after such appointment. The report shall include a recommendation regarding whether the guardianship should be continued or modified and whether a hearing should be scheduled. If the report recommends modification, the report shall state the nature of the modification.

(3) [Unchanged.]

(H) Termination of Guardianship.

(1)-(2) [Unchanged.]

(3) Petition for Family Division of Circuit Court to Take Jurisdiction. If the court appoints an attorney or the Department of Health and Human Services to investigate whether to file a petition with the family division of circuit court to take jurisdiction of the minor, the attorney or Department of Health and Human Services shall, within 21 days, report to the court that a petition has been filed or why a petition has not been filed.

(a)-(b) [Unchanged.]

(4)-(6) [Unchanged.]

Rule 6.006 Video and Audio Proceedings

(A)-(B) [Unchanged.]

(C) Mode of Proceedings in Cases Cognizable in the District and Municipal Court

(1) Preferred Mode. The use of videoconferencing technology shall be the preferred mode for conducting arraignments and probable cause conferences for in-custody defendants. As used in this subrule, “preferred” means scheduled to be conducted remotely subject to a request under MCR 2.407(B)(4) to appear in person by any participant, including a victim as defined by the William Van Regenmorter Crime Victim’s Rights Act, MCL 780.751 *et seq.*, or a determination by the court that a case is not suited for videoconferencing under MCR 2.407(B)(5).

(2)-(4) [Unchanged.]

(D) Mechanics of Use. The use of telephonic, voice, ~~videoconferencing~~video conferencing, or two-way interactive video technology, must be in accordance with any requirements and guidelines established by the State Court Administrative Office, and all proceedings at which such technology is used must be recorded verbatim by the court.

(E) [Unchanged.]

Rule 6.450 Technical Probation Violation Acknowledgment

(A) Acknowledgment. In lieu of initiating a probation violation proceeding under MCR 6.445, the court may allow a probationer to acknowledge a technical probation violation without a hearing. The acknowledgment must be in writing and advise the probationer of the following information

(1) [Unchanged.]

(2) the probationer is entitled to a lawyer's assistance at the probation violation hearing and at all subsequent court proceedings, and that the appointing authority~~court~~ will appoint a lawyer at public expense if the probationer wants one and is financially unable to retain one;

(3)-(5) [Unchanged.]

(B) [Unchanged.]

Rule 6.903 Definitions

When used in this subchapter, unless the context otherwise indicates:

(A) [Unchanged.]

(B) "Commitment review report" means a report on a juvenile committed to state wardship for use at a commitment review hearing prepared by the Department of Health and Human Services~~Family Independence Agency~~ pursuant to MCL 803.225 (§ 5 of the Juvenile Facilities Act).

(C)-(D) [Unchanged.]

(E) "Juvenile" means a person 14 years of age or older, who is subject to the jurisdiction of the court for having allegedly committed a specified juvenile violation on or after the person's 14th birthday and before the person's 18~~17~~th birthday.

(F)-(G) [Unchanged.]

(H) "Specified Juvenile Violation" means one or more of the following offenses allegedly committed by a juvenile in which the prosecuting attorney has authorized the filing of a criminal complaint and warrant instead of proceeding in the family division of the circuit court:

(1)-(14) [Unchanged.]

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

(16)-(19) [Unchanged.]

(I)-(J) [Unchanged.]

(K) “Progress report” means the report on a juvenile in state wardship prepared by the Department of Health and Human Services~~Family Independence Agency~~ for the court as required by MCL 803.223 (§ 3 of the Juvenile Facilities Act) and by these rules.

(L) “Social report” means the written report on a juvenile for use at the juvenile sentencing hearing prepared by the Department of Health and Human Services~~Family Independence Agency~~ as required by MCL 803.224 (§ 4 of the Juvenile Facilities Act).

(M) “State wardship” means care and control of a juvenile until the juvenile's 21st birthday by an institution or agency within or under the supervision of the Department of Health and Human Services~~Family Independence Agency~~ as provided in the Youth Rehabilitation Services Act, MCL 803.301 *et seq.*, while the juvenile remains under the jurisdiction of the court on the basis of a court order of juvenile probation and commitment as provided in MCL 769.1.

Rule 6.931 Juvenile Sentencing Hearing

(A)-(D) [Unchanged.]

(E) Juvenile Sentencing Hearing Procedure.

(1) Evidence. At the juvenile sentencing hearing, all relevant and material evidence may be received by the court and relied upon to the extent of its probative value, even though such evidence may not be admissible at trial. The rules of evidence do not apply. The court shall receive and consider the presentence report prepared by the probation officer and the social report prepared by the Department of Health and Human Services~~Family Independence Agency~~.

(2)-(5) [Unchanged.]

- (F) Postjudgment Procedure; Juvenile Probation and Commitment to State Wardship. If the court retains jurisdiction over the juvenile, places the juvenile on juvenile probation, and commits the juvenile to state wardship, the court shall comply with subrules (1)-(11):

(1)-(3) [Unchanged.]

- (4) The court shall send a copy of the order and a copy of the written opinion or transcript of the findings and conclusions of law to the Department of Health and Human Services~~Family Independence Agency~~.

(5)-(8) [Unchanged.]

- (9) The court shall not, as a condition of juvenile probation, impose jail time against the juvenile except as provided in MCR 6.933(~~GB~~)(2).

(10)-(11) [Unchanged.]

Rule 6.933 Juvenile Probation Revocation

(A)-(F) [Unchanged.]

- (G) Disposition in General.

(1) [Unchanged.]

- (2) Other Violations. If the court finds that the juvenile has violated juvenile probation, other than as provided in subrule (~~GB~~)(1), the court may order the juvenile committed to the Department of Corrections as provided in subrule (~~GB~~)(1), or may order the juvenile continued on juvenile probation and under state wardship, and may order any of the following:

(a)-(h) [Unchanged.]

If the court determines to place the juvenile in jail for up to 30 days, and the juvenile is under 18~~7~~ years of age, the juvenile must be placed separately from adult prisoners as required by law.

- (3) If the court revokes juvenile probation pursuant to subrule (~~GB~~)(1), the court must receive an updated presentence report and comply with MCR 6.445(G) before it imposes a prison sentence on the juvenile.

(H)-(J) [Unchanged.]

Rule 6.935 Progress Review of Court-Committed Juveniles

(A)-(B) [Unchanged.]

(C) Progress Review Report. In conducting these reviews, the court shall examine the progress review report prepared by the Department of Health and Human Services~~Family Independence Agency~~, covering placement and services being provided the juvenile and the progress of the juvenile, and the court shall also examine the juvenile's annual report prepared under MCL 803.223 (§ 3 of the Juvenile Facilities Act). The court may order changes in the juvenile's placement or treatment plan including, but not limited to, committing the juvenile to the jurisdiction of the Department of Corrections, on the basis of the review.

(D) [Unchanged.]

Rule 6.937 Commitment Review Hearing

(A) Required Hearing Before Age 19 for Court-Committed Juveniles. The court shall schedule and hold, unless adjourned for good cause, a commitment review hearing as nearly as possible to, but before, the juvenile's 19th birthday.

(1) Notice. The Department of Health and Human Services~~Family Independence Agency~~ or agency, facility, or institution to which the juvenile is committed, shall advise the court at least 91 days before the juvenile attains age 19 of the need to schedule a commitment review hearing. Notice of the hearing must be given to the prosecuting attorney, the agency or the superintendent of the facility to which the juvenile has been committed, the juvenile, and the parent of the juvenile if the parent's address or whereabouts are known, at least 14 days before the hearing. Notice must clearly indicate that the court may extend jurisdiction over the juvenile until the age of 21. The notice shall include advice to the juvenile and the parent of the juvenile that the juvenile has the right to an attorney.

(2)-(4) [Unchanged.]

(B) [Unchanged.]

Rule 7.105 Application for Leave to Appeal

(A)-(F) [Unchanged.]

(G) Late Appeal.

- (1) [Unchanged.]
- (2) A late application may not be filed more than 6 months after entry of:
 - (a)-(b) [Unchanged.]
 - (c) an order denying a motion for new trial under MCR 6.610(~~HG~~) or a motion to withdraw a plea under MCR 6.610(~~FE~~)(8).

Rule 7.202 Definitions

For purposes of this subchapter:

- (1)-(5) [Unchanged.]
- (6) “final judgment” or “final order” means:
 - (a) In a civil case,
 - (i)-(iii) [Unchanged.]
 - (iv) a postjudgment order awarding or denying attorney fees and costs under court rule or other law;~~or~~
 - (v) an order denying governmental immunity to a governmental party, including a governmental agency, official, or employee under MCR 2.116(C)(7) or an order denying a motion for summary disposition under MCR 2.116(C)(10) based on a claim of governmental immunity;~~;~~ or
 - (vi) [Unchanged.]
 - (b) [Unchanged.]

Rule 7.305 Application for Leave to Appeal

- (A)-(B) [Unchanged.]
- (C) When to File.
 - (1) [Unchanged.]

(2) Application After Court of Appeals Decision. Except as provided in subrule (C)(4), the application must be filed within 42 days in civil cases, or within 56 days in criminal cases, after:

(a)-(c) [Unchanged.]

(d) the Court of Appeals grants a request~~order granting a motion~~ to publish an opinion that was originally released as unpublished.

(3)-(4) [Unchanged.]

(5) Decisions Remanding for Further Proceedings. If the decisions of the Court of Appeals remands the case to a lower court for further proceedings, an application for leave to appeal may be filed within ~~28 days in termination of parental rights cases,~~ 42 days in ~~other~~ civil cases, and 56 days in criminal cases, after the date of

(a)-(c) [Unchanged.]

(6)-(7) [Unchanged.]

(D) Answer. A responding party may file 1 signed copy of an answer within 28 days after service of the application in accordance with MCR 7.212(B). The party must file proof that a copy of the answer was served on all other parties.

(E)-(I) [Unchanged.]

Rule 8.103 State Court Administrator

The state court administrator, under the Supreme Court's supervision and direction, shall:

(1)-(2) [Unchanged.]

(3) on receipt of the quarterly reports as provided in MCR 8.110(C)(~~65~~), investigate each case in an effort to determine the reason for delays, recommend actions to eliminate delays, and recommend further actions to expedite process to insure speedy trials of criminal cases;

(4)-(10) [Unchanged.]

Rule 8.105 General Duties of Clerks

(A)-(B) [Unchanged.]

- (C) Notice of Judgments, Orders, and Opinions. The court clerk must deliver, in the manner provided in MCR 2.107, a copy of the judgment, final order, written opinion, or findings entered in a civil action to the attorney or party who sought the order, judgment, opinion or findings. Except where e-Filing is implemented, if the attorney or party does not provide at least one copy when filing a proposed order or judgment, the clerk, when complying with this subrule, may charge the reproduction fee authorized by the court's local administrative order under MCR 8.119(H)(~~82~~).
- (D) [Unchanged.]

Rule 8.119 Court Records and Reports; Duties of Clerks

- (A)-(E) [Unchanged.]
- (F) Court Recordings, Log Notes, Jury Seating Charts, and Media. Court recordings, log notes, jury seating charts, and all other records such as tapes, backup tapes, discs, and any other medium used or created in the making of a record of proceedings and kept pursuant to MCR 8.108 are court records and are subject to access in accordance with subrule (H)(~~82~~)(b).
- (G)-(I) [Unchanged.]
- (J) Access and Reproduction Fees.
- (1)-(3) [Unchanged.]
- (4) Reproduction of a case document means the act of producing a copy of that document through any medium authorized by the records reproduction act, 1992 PA 116; MCL 24.401 to 24.403.
- (a)-(b) [Unchanged.]
- (c) Except as otherwise directed by statute or court rule, a standard fee may be established, pursuant to (H)(~~82~~), for providing copies of documents on file.
- (5) [Unchanged.]
- (K)-(L) [Unchanged.]

Rule 5. Admission Without Examination

- (A) [Unchanged.]
- (B) An applicant for admission without examination must
- (1)-(4) [Unchanged.]
- (5) have, after being licensed and for 3 of the 5 years preceding the application,
- (a) actively practiced law as a principal business or occupation in a jurisdiction where admitted (the practice of law under a special certificate pursuant to Rule 5[~~FD~~] or as a special legal consultant pursuant to Rule 5[~~GE~~] does not qualify as the practice of law required by this rule);
- (b)-(c) [Unchanged.]
- The Board may, for good cause, increase the 5-year period. Active duty in the United States armed forces not satisfying Rule 5(BA)(5)(c) may be excluded when computing the 5-year period.
- (6) [Unchanged.]
- (C) [Unchanged.]
- (D) An applicant not satisfying Rule 5(BA) will be notified and given an opportunity to appear before the Board. The applicant may use the Board's subpoena power.
- (E) [Unchanged.]
- (F) An attorney
- (1) ineligible for admission without examination because of the inability to satisfy Rule 5(BA)(5); and
- (2) practicing law in an institutional setting, e.g., counsel to a corporation or instructor in a law school, may apply to the Board for a special certificate of qualification to practice law. The applicant must satisfy Rule 5(BA)(1)-(3), and comply with Rule 5(CB). The Board may then issue the special certificate, which will entitle the attorney to continue current employment if the attorney becomes an active member of the State Bar. The special certificate permits attorneys teaching or supervising law students in a clinical program to represent the clients of that clinical program. If the attorney leaves the current employment, the special certificate automatically expires;

if the attorney's new employment is also institutional, the attorney may reapply for another special certificate.

(G) Special Legal Consultants.

- (a) [Unchanged.]
- (b) In considering whether to license an applicant to practice pursuant to Rule 5(~~GE~~), the Board may in its discretion take into account whether a member of the bar of this state would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission (as referred to in Rule 5(~~GE~~)[a][1]), if there is pending with the Board a request to take this factor into account from a member of the bar of this state actively seeking to establish such an office in that country which raises a serious question as to the adequacy of the opportunity for such a member to establish such an office.
- (c) An applicant for a license as a special legal consultant shall submit to the Board:
 - (1)-(2) [Unchanged.]
 - (3) the National Conference of Bar Examiners questionnaire and affidavit along with the payment of the requisite fee and such other evidence of the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Rule 5(~~GE~~)(a)(1)-(5) as the Board may require; and
 - (4) [Unchanged.]
- (d) [Unchanged.]

Rule 8. Recertification.

An applicant for recertification shall file an application and other material required by the Board. After a hearing the Board shall either recertify the applicant or require that the applicant pass the examination described in Rule 3. An applicant may use the Board's subpoena power for the hearing. An applicant who is an inactive State Bar member or who had previously voluntarily resigned from the State Bar or who previously elected emeritus status, and who has been employed in another jurisdiction in one of the ways listed in Rule 5(~~BA~~)(5) is entitled to recertification by the Board.

Staff Comment (ADM File No. 2022-28): 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, 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.

May 3, 2023

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

Clerk