

# Order

Michigan Supreme Court  
Lansing, Michigan

May 24, 2023

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2023-05

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

Proposed Amendment of  
Rule 3.613 of the Michigan  
Court Rules

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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)-(G) [Unchanged.]

(H) The petitioner may request that the cost of publication under this rule be paid by the court. Upon the petitioner's request and supported by a verified statement that:

(1) a request to waive fees under MCR 2.002 is being filed with this request or payment of fees has been waived under MCR 2.002,

(2) publishing notice of the name change proceeding is required by law, and

(3) publication of the notice has not been waived under this rule,

the court must enter a nonpublic order either granting or denying the request under this subrule. The court must enter an order granting the petitioner's request under

this subrule only if the court enters an order to waive fees under MCR 2.002. The request and order under this subrule must be made on a form approved by the State Court Administrative Office. If known at the time of filing the petition that publication will be required, the request under this subrule may be included with the request to waive fees under MCR 2.002.

*Staff Comment (ADM File No. 2023-05):* To avoid confusion, the proposed amendment of MCR 3.613 incorporates the [amendment of MCR 3.613](#) (ADM File No. 2021-21), which takes effect July 1, 2023.

The proposed amendment of MCR 3.613 in *this* ADM file would add a new subrule (H) that is similar to MCR 2.002(I) and would require a court to pay the costs of publication in a name change proceeding if fees are waived under MCR 2.002, publication is required by law, and publication has not been waived under MCR 3.613.

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 September 1, 2023 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](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2023-05. 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.

May 24, 2023

Handwritten signature of Larry S. Royster in black ink.

Clerk