

Order

Michigan Supreme Court
Lansing, Michigan

June 18, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2021-27

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 3.210 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 3.207 and 3.210 of the Michigan Court Rules are adopted, effective September 1, 2025.

[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) A verified pleading or an affidavit attached to a motion or pleading that requests an ex parte custody or parenting time order or that requests a change of custody or parenting time must include the following information:

(i) facts establishing whether the child has an established custodial environment with either parent, both parents, neither parent, or a third party; and

(ii) either facts establishing that entry of the requested order will not change the child's established custodial environment, facts establishing that clear and convincing evidence exists that the change in the child's established custodial environment is in

the child's best interest, or if the request is from a third party, facts establishing by clear and convincing evidence that it is not in the child's best interests for the parent(s) to have custody.

(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) The moving party must arrange for the service of a true copyies of the ex parte order on the friend of the court and the other party within 3 days of the order being issued.

(3)-(4) [Unchanged.]

(5) Procedure Following Service of Ex Parte Order.

(a) If a party files a motion to rescind or modify the ex parte order without filing an objection, the court must hold an evidentiary hearing and resolve the dispute within 21 days of the motion to rescind or modify being filed or, if a hearing date is specified in the ex parte order, on the hearing date specified in the ex parte order.

(b) If a party files a timely objection, the friend of the court must notify the court to cancel any hearing date specified in the ex parte order and attempt to resolve the dispute within 14 days of the objection being filed. If the friend of the court cannot resolve the dispute, the friend of the court must:

(i) provide form pleadings and written instructions to the objecting party if the party wishes to proceed without the assistance of counsel, and

(ii) reschedule a cancelled evidentiary hearing with the court, or if no evidentiary hearing has previously been scheduled, schedule a hearing to be held within 21 days of the motion being filed.

- (c) If no timely objection or motion to rescind or modify the ex parte custody, parenting time, or support order is filed, the order is a temporary order. If a hearing date is specified in the ex parte order, the evidentiary hearing will proceed on the specified hearing date.
 - (d) A change that occurs after the hearing may be made retroactive to the date the ex parte order was entered.
- (65) An ex parte order providing for child support, custody, or parenting time~~visitation~~ 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 ~~and if you wish to bring the matter before the court without the assistance of counsel,~~ 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 at the cancelled evidentiary 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 ~~and a request for a hearing.~~ 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.”
- (6) 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.

- (a) ~~If there is a timely objection or motion and a request for a hearing, the hearing must be held within 21 days after the objection or motion and request are filed.~~
- (b) ~~A change that occurs after the hearing may be made retroactive to the date the ex parte order was entered.~~

(7) [Unchanged.]

(C) Temporary Orders.

(1) [Unchanged.]

- (2) A temporary order may not be issued without a hearing, unless the parties agree otherwise or fail to file a written objection or motion as provided in subrules (B)(5) ~~and (6)~~.

(3)-(6) [Unchanged.]

Rule 3.210 Hearings and Trials

(A)-(B) [Unchanged.]

(C) Custody of a Minor or Changing a Child's Established Custodial Environment.

- (1) When the custody, parenting time, change of domicile, or another motion regarding a minor is contested, the court may not enter an order resolving the contested matter that changes a child's established custodial environment without first holding an evidentiary hearing to determine whether clear and convincing evidence exists to support the order. When the custody of a minor or a motion that would change a child's established custodial environment is contested, a hearing on the matter must be held within 56 days

(a) [Unchanged.]

- (b) after the filing of notice that a ~~custody~~ hearing is requested, unless both parties agree to mediation under MCR 3.216 or MCR 3.224(G) ~~MCL 552.513~~ and mediation is unsuccessful, in which event the hearing must be held within 56 days after the final mediation session.

(2)-(8) [Unchanged.]

(D)-(E) [Unchanged.]

Staff Comment (ADM File No. 2021-27): The amendment of MCR 3.207: (1) clarifies the pleading requirements for requesting certain ex parte orders, (2) requires that an evidentiary hearing be scheduled anytime the court enters an order that may change a child's established custodial environment, and (3) clarifies the procedure following service of an ex parte order. The amendment of MCR 3.210 requires courts to hold an evidentiary hearing prior to entering an order changing a child's established custodial environment in contested cases.

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.

June 18, 2025

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

Clerk