

# Order

Michigan Supreme Court  
Lansing, Michigan

June 28, 2023

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2022-34

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

Proposed Amendments of  
Rules 3.993 and 6.428 of  
the Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering amendments of Rules 3.993 and 6.428 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 3.993 Appeals

(A)-(E) [Unchanged.]

(F) If a party was denied the right to appellate review or the appointment of appellate counsel due to errors by the party's prior attorney or the court, or other factors outside the party's control, the trial court must issue an order restarting the time in which to file an appeal or request counsel, except that the court must not issue any order which would extend the time for appealing an order terminating parental rights beyond 63 days from entry of the order terminating rights. A party filing an appeal after receiving an order issued under this subrule should provide the Court of Appeals with a copy of the order when filing the appeal.

## Rule 6.428 Restoration of Appellate Rights

If the defendant, whether convicted by plea or at trial, was denied the right to appellate review or the appointment of appellate counsel due to errors by the defendant's prior attorney or the court, or other factors outside the defendant's control, the trial court shall

issue an order restarting the time in which to file an appeal or request counsel. A party filing an appeal after receiving an order issued under this subrule should provide the Court of Appeals with a copy of the order when filing the appeal.

*Staff Comment (ADM File No. 2022-34):* The proposed amendment of MCR 3.993 would provide for the restoration of appellate rights in juvenile cases, similarly to that of criminal cases under MCR 6.428, and the proposed amendments would further ask parties to provide the Court of Appeals with a copy of the order when filing the appeal.

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 October 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. 2022-34. 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.

June 28, 2023

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Clerk