Order

Michigan Supreme Court
Lansing, Michigan

Megan K. Cavanagh,
Chief Justice

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

October 14, 2026

ADM File No. 2025-30

Adoption of Administrative Order No. 2026-5: Pilot Project to Study Informal Domestic Relations Docket

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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 administrative order is adopted, effective immediately. Pilot courts are authorized to implement their pilot project at any time before January 1, 2027.

Administrative Order No. 2026-5 – Pilot Project to Study Informal Domestic Relations Docket

On order of the Court, the Court approves a pilot project to study the effectiveness of an informal domestic relations docket. Case processing on the informal docket will begin in each pilot court by January 1, 2027, when the pilot courts are equipped to do so, and the following rules will apply at that time:

(A) Family Division – Informal Docket.

In addition to the family division docket as provided by Chapter 2 and Subchapter 3.200 of the Michigan Court Rules, the 8th Circuit Court (Montcalm County only), 14th Circuit Court, 17th Circuit Court, and 48th Circuit Court shall pilot an Informal Domestic Relations Docket for all or a portion of their domestic relations caseload to allow alternative access to the court for individuals who may have difficulty advocating within a formal court setting because of exposure to trauma, lack of legal representation, or both and to expedite relief in such actions. Except as otherwise provided in this order, domestic relations actions under this order are governed by the general and special court rules applicable to all other domestic relations actions.

(B) Removal from Informal Docket.

(1) All new domestic relations actions assigned to a judge, as designated by SCAO, in the 8th Circuit Court (Montcalm County), 14th Circuit Court, 17th Circuit Court, and 48th Circuit Court, will begin on the Informal Docket

except those for an initial personal protection order. SCAO may designate more than one judge per court to participate in the pilot.

(2) Either party may remove the action from the Informal Docket by:

(a) Requesting a de novo hearing if the action was presented to a referee.

(b) Requesting the action be removed from the docket at least 14 days before a dispositive hearing or trial in the action. The 14-day restriction may be modified or waived by the court upon a showing of good cause. No formal pleading is required to remove the action – any written request by either party sent to or filed with the court, or any oral request during any conference or proceeding before the court is sufficient to opt out of the proceeding.

(3) The court may decide that the Informal Docket will be ineffective in resolving the action and remove the action from the Informal Docket at any time even after a trial or hearing has commenced.

(4) When an action is removed from the Informal Docket, the court may either proceed based on the original filings or order the parties to submit formal pleadings within a reasonable time. If the court believes that it is necessary to facilitate the fair and expeditious disposition of the action following removal from the Informal Docket, the court shall hold a conference as provided by MCR 2.401 or issue a scheduling order.

(5) At the time the action is removed from the Informal Docket, based on the facts and status of the case and the parties, the court may issue orders to protect the parties, their children, and their assets pending further proceedings in the case.

(6) The SCAO shall develop a brochure for all parties in the Informal Docket explaining that it is a pilot project, explaining the differences between the traditional and informal dockets, and advising the parties that either of them may request that the case be handled in the traditional docket. The brochure shall be provided to the plaintiff at the time the complaint is filed and served with the summons and complaint. An oral explanation shall be made available to the parties at their first meeting with court staff, or through a video the parties can access at their convenience.

(C) Venue.

(1) Venue is proper in any county that satisfies the jurisdictional and venue requirements established by statute.

(2) When a circuit court in more than one pilot court would have proper venue, the action must be filed in the county of a circuit court that has issued a prior order involving the parties.

(3) The court on its own motion, or on motion of a party may change venue to another circuit court among the pilot circuits that would have proper venue for the following reasons:

(a) An order for the protection of a party or a minor child of the parties exists in another circuit court.

(b) Another circuit court is more convenient for the parties given the facts and circumstances of the parties and the case.

(D) Procedure in Informal Docket.

Actions on the Informal Docket are governed by the following procedures:

(1) Pleadings are governed by subrule (D)(2). The request for relief and the answer to the request may be submitted on forms approved by the State Court Administrative Office. A pleading should not be dismissed because it does not strictly conform to this subrule and may be presented in any manner that the court believes apprises the court and parties of the issues the court must decide. The court should liberally grant amendments as necessary to ensure the parties are able to present their arguments to the court and may accept oral explanations made on the record to determine the scope of the hearings.

(2) The pleadings shall wherever possible follow this form:

(a) The pleading party shall state each separate allegation the party believes justifies the result the party is seeking in a separate numbered paragraph.

(b) The pleading party shall state the statute, court rule, or other authority the party relies on to support the relief requested.

(c) The responding party shall respond to each separate allegation in a numbered paragraph corresponding to the pleading party's numbered paragraphs and allege any additional facts in subsequent numbered paragraphs the responding party believes justifies the result the party is seeking.

(3) Each party shall serve a Verified Financial Information form as provided in MCR 3.206(C).

(4) The court may limit amendments if the court is convinced a party is engaging in conduct to delay the proceedings, or to control or harass the other party.

(5) When there is a personal protection order under MCL 600.2950 or MCL 600.2950a, an Extreme Risk Personal Protection Order under MCL 691.1801 *et. seq*., or an order pursuant to MCL 765.6b based on domestic violence, the court may limit disclosure to an abusive party information that the abused party provides to the court or friend of the court, including but not limited to address or place of employment.

(E) Trials and Hearings.

(1) A trial or hearing may be conducted in the manner of an oral argument, an oral argument supplemented by testimony, an evidentiary hearing, or as a conference.

(2) At the beginning of an Informal Docket trial or hearing, the person hearing the proceeding will explain the rules and ask the parties to confirm they understand how the proceedings will be conducted.

(3) The court may ask the parties or their lawyers for a summary of the issues to be decided.

(4) Beginning with the initiating party, each party will be allowed to speak to the court under oath concerning all issues in dispute. The party may be questioned by counsel or by the court to develop evidence required by any statute or rule, for example, the applicable requirements of the Michigan Child Support Guidelines if child support is at issue.

(5) Except as allowed by the court, the parties may not directly cross-examine each other. The parties may cross-examine each other through the court. The court will ask the non-moving party or the party's counsel whether there are any other areas the party wants the court to inquire about. The court will inquire into these areas if requested and if relevant to an issue the court needs to decide.

(6) The parties or their counsel will be offered the opportunity to respond briefly to the statements of the other party.

(7) The parties or the court may call witnesses. Witnesses may testify on their own or through questions directed through the court. Except as allowed by the court, the parties may not directly cross-examine witnesses. The parties may cross-examine witnesses through the court. The parties or counsel may ask the court to direct questions to the witnesses. If an expert's report is entered into evidence, and if either party wants to examine the expert, the

expert will be sworn and subjected to questioning by the parties' attorneys, the parties, or the court.

(8) The parties or their counsel will be offered the opportunity to make a brief closing argument.

(9) At the conclusion of the trial or hearing, the court shall make a ruling. The court may take the matter under advisement, but best efforts will be made to issue prompt rulings.

(10) In accordance with MCR 3.215, domestic relations referees may conduct the proceedings.

(F) Evidence.

(1) Except for a claim of privilege and relevance, the Michigan Rules of Evidence do not govern the admissibility of evidence in cases subject to this rule. The court may receive any relevant evidence.

(2) The court will receive any exhibits offered by the parties. The court will determine what weight, if any, to give each exhibit. The court may order the record to be supplemented.

(3) In determining the reliability of the evidence to determine a fact in dispute, or the weight to give to the evidence, the court may use the entire Michigan Rules of Evidence as a guideline. Findings, whether in writing or on the record, should reflect what evidence was considered, what evidence was found to be more or less reliable, what weight was given to any contested evidence, and how the court resolved any factual disputes between the parties.

(G) Discovery.

Discovery is limited to the Verified Financial Information Form in MCR 3.206(C) and information in documents that may be acquired from third parties and agencies pursuant to subpoena. If the court or a party determines that additional information is necessary to fully disclose information the court needs to decide the case, the court on its own motion or at the request of a party, may permit additional discovery subject to conditions necessary to prevent delay or to protect a party or witness from abuse or intimidation.

(H) Interim and Temporary Orders.

Pending the final disposition of any matter, the court may hold hearings and conferences to review the status of the action, hear arguments and receive evidence, enter scheduling orders, and enter interim and temporary orders in the action.

(I) Assistance to the Informal Docket.

The court may use community and circuit court resources to assist in resolving actions on the Informal Docket, including:

(1) Allowing DNA testing at the request of a party to a paternity case.

(2) Requesting a friend of the court evaluation and recommendation.

(3) Ordering the parties to attend counseling sessions or obtain psychological evaluations.

(4) Referring the parties to the community dispute resolution services in the parties' community.

(5) Referring the parties to a court-approved individual to explain how the docket works, next steps in the docket, and to determine what issues are contested and what issues the court may need to consider to protect the parties, their children, and their assets. Following the meeting, the court may place any agreements on the record, take testimony to preserve proofs, and enter orders as appropriate to assist in resolving issues in the action.

(6) Referring matters to a referee.

(J) Postjudgment.

The decisions of the court in this docket are final decisions binding on the parties to the action as in any other circuit court action. The decisions are subject to appellate review to the same extent and subject to the same rules as other circuit court judgments for the type of action. A party is not required to object to a decision to preserve it for appeal.

Staff Comment (ADM File No. 2025-30): This administrative order approves a pilot project to study the effectiveness of an informal domestic relations docket.

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.

THOMAS, J. (*dissenting*).

The Informal Domestic Relations Docket pilot program is an important effort that seeks to ensure that domestic relations proceedings are accessible and fair to all parties and that litigants who have experienced trauma or who are survivors of domestic abuse can meaningfully participate in their cases. I agree with these goals. And I appreciate the diligent efforts of the workgroup that drafted this proposal and of our State Court Administrative Office.

The Court received significant feedback and widespread substantive concerns about the project during the comment period. Commenters with experience in this area—including judges who would preside over this type of docket, those who advocate for court access, and attorneys who represent families and assist survivors of domestic abuse—have raised serious concerns, including the opt-out nature of the pilot, the information provided to the parties, and the pilot's safeguards to protect the parties' due-process rights. These concerns are worth taking into further consideration before implementation. A pilot such as this one must also be administered in a way that gives the parties informed choices and ensures that we collect valid data to guide future decision-making.

I would not adopt this administrative order today given these weighty concerns. Instead, the Court should continue to work through these issues with the workgroup and interested parties to ensure that we get this pilot program right. It is for these reasons that I respectfully dissent.

ZAHRA, J. and BOLDEN, J., join the statement of THOMAS, J.

I, Elizabeth Kingston-Miller, 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.

October 14, 2026

Clerk