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

November 18, 2026

ADM File No. 2025-16

Proposed Amendments of
Rules 3.965 and 3.993 of
the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering amendments of Rules 3.965 and 3.993 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 3.965 Preliminary Hearing

(A) [Unchanged.]

(B) Procedure.

(1)-(14) [Unchanged.]

(15) The court shall advise parents, guardians, or legal custodians of their right to appeal if the court's decision is rendered for any reason under 3.993(A). ~~If the court orders removal of the child from a parent's care or custody, the court shall advise the parent, guardian, or legal custodian of the right to appeal that action.~~

(C)-(D) [Unchanged.]

Rule 3.993 Appeals

(A) The following orders are appealable to the Court of Appeals by right:

(1) [Unchanged.]

(2) any order suspending a parent's physical or legal custodial rights following findings under the placement provisions in MCR 3.965(C)(3) and (4), even if the child did not reside with the parent at the time of the order,

(2)-(8) [Renumbered (3)-(9) but otherwise unchanged.]

In any appeal as of right, an indigent respondent is entitled to appointment of an attorney to represent the respondent on appeal and to preparation of relevant transcripts.

(B)-(F) [Unchanged.]

Staff Comment (ADM File No. 2025-16): The proposed amendments of MCR 3.965 and 3.993 would clarify that any order suspending a parent's physical or legal custodial rights following certain findings, even if the child did not reside with the parent at the time of the order, is appealable to the Court of Appeals by right and would require the court to advise the parent of their right to appeal such an order.

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 provided 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. Written comments on this proposal may be submitted by **March 1, 2027**.

The Court asks commenters to submit written comments via the Court's website to the extent possible. **To submit a comment via the Court's website**, click on the "Comment on 2025-16" button under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters webpage. The Court also accepts comments by email. **To submit a comment by email**, please attach a Microsoft Word document to your email and send to ADMcomment@courts.mi.gov and refer to ADM File No. 2025-16. If you are unable to submit a written comment online or by email, the Court will accept comments during the written comment period mailed to P.O. Box 30052, Lansing, MI 48909. For more information on submitting public comments regarding Michigan Supreme Court rule proposals, see the Public Comments on Court Rule Proposals webpage.

Written comments may be posted on the One Court of Justice website under the chapter(s) affected by this proposal.

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.

November 18, 2026

Clerk