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 25, 2026

ADM File No. 2026-09

Retention of the Amendment of Rule 6.201 of the Michigan Court Rules

Proposed Amendments of Rules 3.922 and 6.201 of the Michigan Court Rules

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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 July 31, 2026 amendment of MCR 6.201 of the Michigan Court Rules is retained.

On order of the Court, this is to advise that the Court is considering additional amendments of Rules 3.922 and 6.201 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 3.922 Pretrial Procedures in Delinquency and Child Protection Proceedings

(A) [Unchanged.]

(B) Notice of Expert Evidence of Diminished Capacity.

(1) If a juvenile intends to introduce expert evidence relating to mental illness or intellectual disability bearing on the juvenile's specific intent, the juvenile must notify the prosecutor in writing on a form approved by the state court administrator of this intention and file a copy of the notice with the clerk not less than 30 days before the trial date or at such other time as the court directs.

The court may, for good cause, allow the juvenile to provide and file the notice late, grant the parties additional trial preparation time, or make other appropriate orders.

(2) Within 14 days after receipt of notice under subrule (B)(1), but no later than 7 days before the trial date, the prosecutor must provide written notice to the court and the defense of an intent to offer rebuttal to the juvenile's evidence relating to mental illness or intellectual disability bearing on the juvenile's specific intent. The notice shall include names and addresses of rebuttal witnesses.

(B)-(F) [Relettered (C)-(G) but otherwise unchanged.]

Rule 6.201 Discovery

(A) [Unchanged.]

(B) Notice of Expert Evidence of Diminished Capacity.

(1) If a defendant intends to introduce expert evidence relating to mental illness or intellectual disability bearing on the defendant's specific intent, the defendant must notify the prosecutor in writing on a form approved by the state court administrator of this intention and file a copy of the notice with the clerk not less than 30 days before the trial date or at such other time as the court directs. The court may, for good cause, allow the defendant to provide and file the notice late, grant the parties additional trial preparation time, or make other appropriate orders.

(2) Within 14 days after receipt of notice under subrule (B)(1), but no later than 7 days before the trial date, the prosecutor must provide written notice to the court and the defense of an intent to offer rebuttal to the defendant's evidence relating to mental illness or intellectual disability bearing on the defendant's specific intent. The notice shall include names and addresses of rebuttal witnesses.

(C)-(L) [Unchanged.]

Staff Comment (ADM File No. 2026-09): To implement *People v Madison*, ___ Mich ___ (2026) (Docket No. 167120), the amendment of MCR 6.201 requires a defendant to provide a written notice of intent to introduce expert evidence of diminished capacity. The proposed amendments of MCR 3.922 and MCR 6.201 would extend this requirement to juvenile delinquency proceedings and add reciprocal notice requirements to both rules.

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 2026-09" 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. 2026-09. 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 25, 2026

Clerk