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

September 23, 2026

ADM File No. 2023-23

Amendment of Rule 3.972 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 amendment of Rule 3.972 of the Michigan Court Rules is adopted, effective January 1, 2027.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 3.972 Trial

(A)-(C) [Unchanged.]

(D) Recommendation by Lawyer-Guardian ad Litem. At the conclusion of the proofs or following a motion filed by a respondent under subrule (E), the lawyer-guardian ad litem for the child may make a recommendation to the finder of fact regarding whether one or more of the statutory grounds alleged in the petition have been proven.

(E) Bench Trial. In an action tried without a jury, a respondent may make a motion pursuant to MCR 2.504(B)(2) at the close of the petitioner's case-in-chief. A motion filed and the court's decision must pertain only to that portion of the case involving the respondent that filed the motion. A party other than the respondent that filed the motion may request to present evidence to the court before it decides the motion, and the court must grant that request before deciding the motion. If all other parties request to present evidence, the court must deny the respondent's motion and proceed with the action.

(F~~E~~) Verdict. In a child protective proceeding, the verdict must be whether one or more of the statutory grounds alleged in the petition have been proven. At a trial without a jury, the court must state on the record or in a written opinion its findings of fact and conclusions of law.

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

Staff Comment (ADM File No. 2023-23): The amendment of MCR 3.972 requires the court, in child protective proceeding bench trials, to make findings of fact and conclusions of law and allow for the equivalent of an involuntary dismissal.

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, 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.

September 23, 2026

Clerk