

Order

Michigan Supreme Court
Lansing, Michigan

October 2, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2013-02

Michael F. Cavanagh
Stephen J. Markman

Retention of Amendments of
Rules 3.002, 3.800, 3.802, 3.807,
3.903, 3.905, 3.920, 3.921, 3.935,
3.961, 3.963, 3.965, 3.967, 3.974,
3.977, and 5.402 of the
Michigan Court Rules

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

By order dated March 20, 2013, the Court adopted amendments of Rules 3.002, 3.800, 3.802, 3.807, 3.903, 3.905, 3.920, 3.921, 3.935, 3.961, 3.963, 3.965, 3.967, 3.974, 3.977, and 5.402 of the Michigan Court Rules, effective immediately, but pending public comment and a public hearing. Notice and an opportunity for comment and a public hearing having been provided, the amendments of these rules are retained.

By further order of the Court, the Court adopts the following amendment, effective immediately:

Rule 3.965 Preliminary Hearing

(A) [Unchanged.]

(B) Procedure.

(1)-(9) [Unchanged.]

(10) The court may adjourn the hearing for up to 14 days to secure the attendance of witnesses or for other good cause shown. If the court knows or has reason to know the child is an Indian, the court may adjourn the hearing for up to 21 days to ensure proper notice to the tribe or Secretary of the Interior as required by MCR 3.920(C)(1). If the preliminary hearing is adjourned, the court may make temporary orders for the placement of the child when necessary to assure the immediate safety of the child, pending the completion of the preliminary hearing and subject to subrule (C), and as applicable, MCR 3.967.

(11)-(13) [Unchanged.]

(C)-(D) [Unchanged.]

Staff Comment: The amendment of MCR 3.965 allows a slightly longer adjournment period in cases that involve Indian children to accommodate the statutory provisions that require notice to be provided at least ten days before the hearing.

The staff comment is not an authoritative construction by the Court.



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.

October 2, 2013


Clerk