

Order

Michigan Supreme Court
Lansing, Michigan

April 2, 2014

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2014-08

Michael F. Cavanagh
Stephen J. Markman

Amendment of Rule 3.221
of the Michigan Court Rules

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

On order of the Court, the need for immediate action having been found, the following amendment of Rule 3.221 of the Michigan Court Rules is adopted, effective immediately and pending public comment. This notice is given to afford interested persons the opportunity to comment on the form or the merits of the amendment or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

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

Rule 3.221 Hearings on Support and Parenting Time Enforcement Act Bench Warrants

(A)-(B) [Unchanged.]

(C) Bond Review Hearing. A person who has not posted a bond, and whose case cannot be heard as provided in subrule (B), must without unnecessary delay be brought before a judge, ~~magistrate~~, or referee for a review of the bond.

(D)-(H) [Unchanged.]

(I) Review; Modification of Release Decision.

(1) Review. A party seeking review of a release decision may file a motion in the court having appellate jurisdiction over the decision maker. If the decision was made by a ~~magistrate~~ or referee, a party is entitled to a new hearing. Otherwise, the reviewing court may not stay, vacate, modify, or reverse the release decision except on finding an abuse of discretion.

(2) [Unchanged.]

(J)-(K) [Unchanged.]

Staff Comment: The amendments of MCR 3.221 strike the term “magistrate” from subsections (C) and (I) to clarify the rule because there is no statutory authority for district court magistrates to conduct bond review hearings on support and parenting time enforcement act bench warrants.

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

A copy of this order will be given 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. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by August 1, 2014, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2014-08. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



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.

April 2, 2014

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk