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April 30, 2014

Mr. Larry S. Royster

Clerk of the Michigan Supreme Court

PO Box 30052

Lansing, MI 48909

RE: ADM File No. 2010-32  
Proposed Amendment to MCR 3.210

Dear Mr. Royster:

We write concerning the proposed amendment of MCR 3.210. We support the comments and recommendations submitted by the Kent County, Ingham County, and Oakland County Prosecuting Attorney Offices, as well as those submitted by the Prosecuting Attorney's Association of Michigan.

The amendments to the court rule as currently proposed appear to place an unnecessary burden on the prosecutor's offices when filing cases under the Paternity Act, the Family Support Act, the Status of Minors Act (involving child support), and local cases filed under the Uniform Interstate Family Support Act. In most counties, the paternity and child support cases filed by the prosecutor's offices are a significant portion of those categories of cases, the majority of which involve children receiving public assistance. To require a hearing to resolve all such cases would cause unnecessary delays, additional and unnecessary costs, and would have no benefit to the children who need the support.

While we certainly support the principle of due process, that principle should apply to the plaintiffs as well as the defendants. MCR 3.210 (B) (2) (d), as proposed in the ADM File No. 2010-32, would seem to make the process of defaulting a party a waste of time, because they may be allowed to participate in the same ways as if not defaulted. As a result, the moving party would likely never know if the defaulted party would show up to court hearings, or other court proceedings, and so would never know for sure what witnesses and evidence would be

needed. If a default has been entered against a party, then some timely notice to the moving party should be required to prevent "ambush" tactics, or simply "delay" tactics by the defaulted party.

In our opinion, the proposed amendments to MCR 3.210, as set out in ADM 2010-32, would cause added expense, delay, and inconvenience to prosecutors, plaintiffs (typically) and the courts. The proposed amendments also appear to reward defendants (typically) who choose not to participate in the court process once they are served with the summons and complaint.

Accordingly, if the Michigan Supreme Court decides to amend MCR 3.210, we would ask that the alternatives set out in the letters from the county prosecutor's offices mentioned in the first paragraph of this response be implemented.

Thank you for your consideration.

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