

# Order

Michigan Supreme Court  
Lansing, Michigan

May 25, 2016

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2015-05

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
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Justices

Amendment of Rule 3.979  
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 following amendment of Rule 3.979 of the Michigan Court Rules is adopted, effective September 1, 2016.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

Rule 3.979 Juvenile Guardianships

(A)-(B) [Unchanged.]

(C) Court Jurisdiction; Review Hearings; Lawyer-Guardian ad Litem.

(1) Jurisdiction.

(a) Except as otherwise provided in this rule, the~~The~~ court's jurisdiction over a juvenile guardianship shall continue until terminated by court order. The court's jurisdiction over a juvenile under section 2(b) of the Juvenile Code, MCL 712A.2(b), and the jurisdiction of the MCI under section 3 of 1935 PA 220, MCL 400.203, shall be terminated after the court appoints a juvenile guardian under this section and conducts a review hearing pursuant to MCR 3.975 when parental rights to the child have not been terminated, or a review hearing pursuant to MCR 3.978 when parental rights to the child have been terminated. ~~Upon notice by the Department of Human Services that extended guardianship assistance beyond age 18 will be provided to a youth pursuant to MCL 400.665, the court shall retain jurisdiction over the guardianship until that youth no longer receives extended guardian assistance.~~

- (b) Unless terminated by court order, the court's jurisdiction over a juvenile guardianship ordered under MCL 712A.19a or MCL 712A.19c for a youth 16 years of age or older shall continue until 120 days after the youth's eighteenth birthday. Upon notice by the Department of Health and Human Services that extended guardianship assistance beyond age 18 will be provided to a youth pursuant to MCL 400.665, the court shall retain jurisdiction over the guardianship until that youth no longer receives extended guardianship assistance.

(2)-(3)[Unchanged.]

(D) Court Responsibilities.

(1) Annual Reviews.

- (a) Review on Condition of Child. The court shall conduct an annual review of a juvenile guardianship ~~annually~~ as to the condition of the child until the child's eighteenth birthday. The review shall be commenced within 63 days after the anniversary date of the appointment of the guardian. The court may conduct a review of a juvenile guardianship at any time it deems necessary. If the report ~~of~~ by the juvenile guardian has not been filed as required by subrule (E)(1), the court shall take appropriate action.
- (b) Review on Extended Guardianship Assistance. If, under subrule (C)(1)(b), the Department of Health and Human Services has notified the court that extended guardianship assistance has been provided to a youth pursuant to MCL 400.665, the court shall conduct an annual review hearing at least once every 12 months thereafter ~~the youth's eighteenth birthday~~ to determine that the guardianship meets the criteria under MCL 400.667. The duty to conduct an annual review hearing on extended guardianship assistance shall discontinue when the youth is no longer eligible for extended guardianship assistance. Notice of the hearing under this subrule shall be sent to the guardian and the youth as provided in MCR 3.920(D)(1).
- (i) The hearing conducted under this subrule may be adjourned up to 28 days for good cause shown.

- (ii) If requested by the court, the guardian must provide proof at the review hearing that the youth is in compliance with the criteria of MCL 400.667.
- (iii) Following a review hearing under this subrule, ~~The~~the court shall issue an order to support its determination and serve the order on the Department of Health and Human Services, the guardian, and the youth.
- (c) Termination of Juvenile Guardianship. Upon receipt of notice from the Department of Health and Human Services that it will not continue guardianship assistance, the court shall immediately terminate the juvenile guardianship.

(2)-(4) [Unchanged.]

(E)-(F) [Unchanged.]

*Staff Comment:* The amendment of MCR 3.979 requires a court to maintain jurisdiction over a juvenile guardianship for 120 days after the juvenile's 18th birthday in cases where DHHS is making an eligibility determination for extended guardianship assistance. The revisions of MCR 3.979 also reflect recent amendments of the Young Adult Voluntary Foster Care Act (MCL 400.669) and the Juvenile Code (MCL 712A.2a).

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, 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.

May 25, 2016

Clerk