

**AMcomment - ADM file No. 2014-49**

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**From:** "Barnes, David" <barnesd@oakgov.com>  
**To:** <ADMcomment@courts.mi.gov>  
**Date:** 4/9/2015 10:12 AM  
**Subject:** ADM file No. 2014-49

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Please use this comment. I have corrected the spelling errors in the comment submitted a few moments ago.

As recently amended, the Michigan Court Rules provide the following.

"MCR 3.903 (C)(2)

'Amended petition' means a petition filed to correct or add information to an original petition, as defined in A(21), after it has been authorized, but before it is adjudicated.

3.903(C)(13)

'Supplemental petition' means:

- (a) a written allegation, verified in the manner provided in MCR 2.114(B), that a parent, for whom a petition was authorized, has committed an additional offense since the adjudication of the petition, or
- (b) a written allegation, verified in the manner provided in MCR 2.114(B), that a nonrespondent parent is being added as an additional respondent in a case in which an original petition has been authorized and adjudicated against the other parent under MCR 3.971 or MCR 3.972, or
- (c) a written allegation, verified in the manner provided in MCR 2.114(B), that requests the court terminate parental rights of a parent or parents under MCR 3.977(F) or MCR 3.977(H)."

The aforementioned definitions omit the circumstance that occurs when children are under the court's jurisdiction, all parents of the children have been made respondents to a petition, adjudication and disposition hearings have been held for all parties, and the Michigan Department of Human Services (DHS) subsequently learns of serious circumstances of abuse or neglect that occurred prior to the adjudications, but which have never been brought to the court's attention, and which do not lead to a request for termination of parental rights. In that circumstance MCL 712A.19(1) compels the DHS to submit a "supplemental petition", but the definition in MCR 3.903(C)(13) fails to embrace that factual situation. MCL 712A.19(1) provides in relevant part:

"... If the agency becomes aware of additional abuse or neglect of a child who is under the court's jurisdiction and if that abuse or neglect is substantiated as provided in the child protection law, 1975 PA 238, MCL 722.621 to 722.638, the agency shall file a supplemental petition with the court."

MCR 3.903(C)(13)(a) should be amended to provide the following: "a written allegation, verified in the manner provided in MCR 2.114(B), that a parent, for whom a petition has been adjudicated, has committed an additional offense not alleged in the original petition, or". The proposed change would encompass factual situations that fall within the definition provided by the current rule as well as situations like the example above.

Respectfully submitted,  
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