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Clerk of the Court

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Michigan Supreme Court

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Lansing, MI 48909

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48933-2012

RE: ADM File No. 2006-04 – Proposed Amendment of Rule 3.204 of the Michigan Court Rules

Dear Clerk Davis:

At its March 27 meeting, the Executive Committee of the State Bar of Michigan considered this proposed amendment published for comment. In its review, the Committee considered a recommendation from the Domestic Violence Committee. The Committee voted unanimously to adopt the position of the Domestic Violence Committee, which supports the proposed amendment, with this further amendment to subparagraph (A)(3), indicated in caps.

Rule 3.204 (A)(3) Whenever possible, all actions INVOLVING CHILD SUPPORT, CUSTODY, OR PARENTING TIME involving children of the same parents shall be administered together...

The proposed amendment as published refers to "a circuit court action involving child support, custody, or parenting time" of a child or children, but subsection (A)(3) refers to "all actions involving children of the same parents." The difference between the two provisions is unclear. If MCR 3.204(A)(3) as published is interpreted more broadly than "a circuit court action involving child support, custody, or parenting time," it could extend the application of the rule to personal protection orders (PPOs) that include a provision relating to parenting time designed to protect the parent or child. Because PPOs can be filed in any county, a court might be unwilling to grant the parenting time protections and, therefore, limit protection to the petitioner. This is already a problem in some counties. It is possible that the language could limit PPO protections even further.

We thank the Court for the opportunity to comment on the proposed amendments.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Julie I. Fershtman, President