

April 28, 2025

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2022-34: Proposed Amendment of Rule 3.991 of the Michigan Court Rules

Dear Clerk Royster:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2022-34 at its meeting on April 25, 2025. In its review, the Board considered recommendations from the Children's Law Section, Access to Justice Policy Committee, Civil Procedure & Courts Committee, and Criminal Jurisprudence & Practice Committee. The Board voted unanimously to support the proposed amendment of Rule 3.991 with two further amendments:

- (1) The Rule should permit judges to sign a recommended order at any time, while still allowing parties to file a timely request for review even after the order is signed. This approach addresses concerns that have been raised about ADM File No. 2022-34 as published for comment – including the need to quickly address threats to the safety and well-being of a child, and to avoid unintended impacts on Title IV-E funding. It would also ensure that parties have a meaningful opportunity for review that is not limited by the restrictive provisions of Rule 3.992's rehearing procedures.
- (2) If ADM File No. 2022-34 is amended so a judge may sign an order immediately, subject to a timely request for review, the time for requesting such review should be extended from 7 days to 14 days.

Additionally, the Children's Law Section has raised concerns about the restrictive language of Rule 3.992. The Board of Commissioners shares those concerns. The existing rule does not allow a party to move for a rehearing based on an error made by the judge or referee. Instead, Rule 3.992 restricts such motions to matters not previously presented or considered, even if a party believes that a finding was made in error. This restriction does not serve children, counsel, or the court well and it should be revisited.

Thank you for the opportunity to comment on the proposed amendment.

Sincerely,



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
Joseph P. McGill, President

