Order

Michigan Supreme Court
Lansing, Michigan

December 5, 2006

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2005-12

Amendment of
Rule 5.403 of the
Michigan Court Rules

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 5.403 of the Michigan Court Rules is adopted, effective January 1, 2007.

[Additions are indicated in the text that follows by underlining.]

Rule 5.403 Proceedings on Temporary Guardianship

(A) [Unchanged.]

(B) Notice of Hearing, Minor. For good cause <u>stated on the record and included in the order,</u> the court may shorten the period for notice of hearing or may dispense with notice of a hearing for the appointment of a temporary guardian of a minor, except that the minor shall always receive notice if the minor is 14 years of age or older. <u>If a temporary guardian is appointed following an ex parte hearing in a case in which the notice period was shortened or eliminated, the court shall send notice of the appointment to all interested persons. The notice shall inform the interested persons about their right to object to the appointment, the process for objecting, and the date of the next hearing, if any. If an interested person objects to the appointment of a temporary guardian following an ex parte hearing in a case in which the notice period was shortened or eliminated, the court shall hold a hearing on the objection within 14 days from the date the objection is filed.</u>

(C) [Unchanged.]

(D) [Unchanged.]

Staff Comment: The amendment of MCR 5.403(B) requires the court to state on the record and in the order the reasons for shortening or eliminating notice of hearing for the appointment of a temporary guardian of a minor. It also requires the court to serve interested persons with notice that a temporary guardian has been appointed for a minor, if the appointment followed an ex parte hearing for which the notice period was shortened or eliminated. The new rule provisions allow interested persons to object to entry of the order and have a hearing on the matter within 14 days.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

I, Corbin R. Davis, 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.

December 5, 2006

Corbin R. Davis

Clerk