

Order

**Michigan Supreme Court
Lansing, Michigan**

May 6, 2008

Clifford W. Taylor,
Chief Justice

ADM File No. 2008-22

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

Proposed Amendment
of Rules 3.903 and 3.920 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.903 and 3.920 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing by the Court before a final decision is made. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underline, and deletions by strikethrough.]

Rule 3.903 Definitions

(A) General Definitions. When used in this subchapter, unless the context otherwise indicates:

(1)–(2) [Unchanged.]

(3) “Confidential file” means

(a) [Unchanged.]

(b) the contents of a social file maintained by the court, including materials such as

(i)–(v) [Unchanged.]

- (vi) victim statements;
- (vii) information regarding the identity or location of a foster parent, preadoptive parent, or relative caregiver.

(4)–(26) [Unchanged.]

(B)–(E) [Unchanged.]

Rule 3.920 Service of Process

(A)–(G) [Unchanged.]

(H) Proof of Service.

(1)–(3) [Unchanged.]

(4) Content. The proof of service must identify the papers served. A proof of service for papers served on a foster parent, preadoptive parent, or relative caregiver shall be maintained in the confidential social file as identified in MCR 3.903(A)(3)(b)(vii).

(5) [Unchanged.]

Staff Comment: The proposal would clarify that information regarding the identity or location of a foster parent, preadoptive parent, or relative caregiver is part of the confidential file and, therefore, a proof of service that includes identifying or location information regarding those parties must also be maintained in the confidential file.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by August 31, 2008, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2008-22. Your comments and the comments of others will be posted at: www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



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.

May 6, 2008

Corbin R. Davis
Clerk