

Order

Michigan Supreme Court
Lansing, Michigan

January 15, 2025

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-34

Brian K. Zahra
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

Proposed Amendment of
Rule 3.991 of the Michigan
Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.991 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 also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

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 to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 3.991 Review of Referee Recommendations

(A) General.

- (1) Before signing an order based on a referee's recommended findings and conclusions, a judge of the court ~~must~~shall review the recommendations if requested by a party in the manner provided by subrule (B). The parties may waive judicial review of the referee's recommendation by consenting in writing to immediate entry of the order.
- (2) [Unchanged.]
- (3) ~~Nothing in this rule prohibits a judge~~ must not~~from~~ reviewing a referee's recommendation before the expiration of the time for requesting review unless the parties waived judicial review as provided in subrule (A)(1) or the court finds good cause as stated in a written order and entering an appropriate order.

- (4) After the entry of an order under this subrule (A)(3), a request for review may not be filed. Reconsideration of the order is by motion for rehearing under MCR 3.992.

(B)-(C) [Unchanged.]

- (D) Prompt Review; No Party Appearance Required. Absent good cause for delay, the judge must~~shall~~ consider the request within 21 days after it is filed ~~if the minor is in placement or detention~~. The judge need not schedule a hearing to rule on a request for review of a referee's recommendations.

(E)-(G) [Unchanged.]

Staff Comment (ADM File No. 2022-34): The proposed amendment of MCR 3.991 would clarify the process for judicial reviews of referee recommendations in juvenile cases by allowing the parties to waive judicial review, limiting a judge's ability to conduct an early review, and requiring a judge to conduct a requested review in all cases within 21 days of the request.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this 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 the proposal may be submitted by May 1, 2025 by clicking on the "Comment on this Proposal" link under this proposal on the [Court's Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2022-34. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, 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.

January 15, 2025

Clerk