

# Rehearing Checklist (Petition for Rehearing)

Once an order is entered under the Adoption Code, a party to the order has 21 days to petition the court for a rehearing.<sup>1</sup> See [MCL 710.64\(1\)](#). If a petitioner fails to petition the court within the 21-day period, there is no due process right to a rehearing. See *In re Myers*, 131 Mich App 160, 165-166 (1983).

**Note:** Pending your decision on the rehearing, stay any order or enter another order if it is in the best interest of the child. See [MCR 3.806\(D\)](#).

Upon receipt of a petition for rehearing, the court must:

- Ensure the petition was filed within 21 days after entry of the relevant order. See [MCL 710.64\(1\)](#).
- Ensure the petition states a basis for rehearing. See [MCR 3.806\(A\)](#).
- Determine whether the child is or the court has reason to believe the child is an Indian child as defined in [MCR 3.002\(12\)](#).<sup>2</sup>
- Ensure that notice has been provided to all interested parties. See [MCR 3.802](#); [MCR 3.806\(A\)](#).<sup>3</sup>
- Determine whether any interested parties filed a response within 7 days of being served with notice. See [MCR 3.806\(A\)](#).

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<sup>1</sup> For a detailed discussion on Rehearings, see the Michigan Judicial Institute's [Adoption Proceedings Benchbook](#), Chapter 7.

<sup>2</sup> *Indian child* means "any unmarried person who is under age 18 and is either (a) a member of an Indian tribe, or (b) is eligible for membership in an Indian tribe as determined by that Indian tribe." [MCR 3.002\(12\)](#).

<sup>3</sup> For a list of interested parties, see [MCL 710.24a](#) and [MCR 3.800\(B\)](#).

- Determine whether good cause is shown to grant a rehearing.
  - If YES, schedule hearing. See [MCR 3.806\(B\)](#).
  - If NO, decide whether to grant rehearing based on the record or pleading filed. See [MCR 3.806\(B\)](#).

**Note:** “Except as otherwise provided, the court may allow the use of videoconferencing technology for proceedings under [subchapter 3.800, Adoption] in accordance with [MCR 2.407](#).” [MCR 3.811](#). There is no court rule prohibiting a court from the use of videoconferencing technology for rehearing in accordance with [MCR 2.407](#). See [MCR 3.804\(B\)\(3\)](#); [MCR 3.811](#).
- State reasons for decision in writing or on the record. See [MCR 3.806\(B\)](#).

For court forms related to adoption proceedings, see the One Court of Justice [website](#).