



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: February 13, 2020

TO: District Court Judges
District Court Administrators
District Court Probation Departments

FROM: Michele Muscat, Management Analyst

RE: Revision of [MC 246](#) (Request and Summons for Probation Violation) and New Form [MC 246a](#) (Request and Warrant for Probation Violation)

MCR 6.445(A) gives a probation officer options on how to proceed when a probationer allegedly violates the terms and conditions of their probation sentence. It states:

Issuance of Summons; Warrant. On finding probable cause to believe that a probationer has violated a condition of probation, the court may

- (1) issue a summons in accordance with MCR 6.103(B) and (C) for the probationer to appear for arraignment on the alleged violation, or
- (2) issue a warrant for the arrest of the probationer.

Historically, different forms were used to notify courts of an alleged probation violation, depending on whether the probation officer was requesting a summons or bench warrant. If the probation officer was requesting a summons, the Request and Summons for Probation Violation form ([MC 246](#)) was used. If the probation officer was requesting a bench warrant, the Motion, Affidavit, and Bench Warrant form ([MC 229](#)) was used.

Recently, a new form was created for use by probation officers to request a warrant. The new Request and Warrant for Probation Violation ([MC 246a](#)), allows a probation officer to request a warrant be issued for an alleged probation violation. The committee also revised the Request and Summons for Probation Violation ([MC 246](#)) for consistency with the Request and Warrant for Probation Violation ([MC 246a](#)).

In other words, if the probation officer wants to allow the defendant to appear in court on a specific date and time for the alleged probation violation, the probation officer would use the Request and Summons for Probation Violation ([MC 246](#)). However, if the probation officer wants the probationer immediately apprehended by law enforcement and brought before the court on the alleged the probation violation, the probation officer would use the Request and Warrant for Probation Violation ([MC 246a](#)). The Motion, Affidavit, and Bench Warrant form ([MC 229](#)) would be used if the probationer fails to appear for their scheduled probation violation arraignment or hearing.

If you have any questions, please contact Michele Muscat at 517-373-3756 or Bobbi Morrow at 517-373-2173. We can also be reached by e-mail at courtservices@courts.mi.gov.