

# Order

Michigan Supreme Court  
Lansing, Michigan

November 13, 2019

Bridget M. McCormack,  
Chief Justice

ADM File No. 2002-37

David F. Viviano,  
Chief Justice Pro Tem

ADM File No. 2018-19

Amendment of Rule 3.206  
of the Michigan Court Rules

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Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

On order of the Court, the following amendment of Rule 3.206 of the Michigan Court Rules is adopted, effective January 1, 2020. The amendments in this order replace the separate amendments of MCR 3.206 included as part of ADM File No. 2002-37 (entered on 9/18/19) and ADM File No. 2018-19 (entered on 6/19/19).

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

## Rule 3.206 Initiating a Case

### (A) Information in Case Initiating Document.

(1) The form, captioning, signing, and verifying of documents are prescribed in MCR 1.109(D) and (E).

(2)-(6) [Unchanged.]

### (B) [Unchanged.]

### (C) Verified Statement and Verified Financial Information Form.

(1) Verified Statement. In an action involving a minor, or if child support or spousal support is requested, the party seeking relief must provide to the friend of the court ~~attach~~ a verified statement containing, at a minimum, personal identifying, financial, and health care coverage information of the parties and minor children. A copy of the Verified Statement must be to the ~~copies of the papers served on the other party and provided to the friend of the court.~~ The Verified Statement must be completed on a form approved by the State Court Administrative Office, stating

(a) ~~the last known telephone number, post office address, residence address, and business address of each party;~~

- ~~(b) the social security number and occupation of each party;~~
  - ~~(c) the name and address of each party's employer;~~
  - ~~(d) the estimated weekly gross income of each party;~~
  - ~~(e) the driver's license number and physical description of each party, including eye color, hair color, height, weight, race, gender, and identifying marks;~~
  - ~~(f) any other names by which the parties are or have been known;~~
  - ~~(g) the name, age, birth date, social security number, and residence address of each minor involved in the action, as well as of any other minor child of either party;~~
  - ~~(h) the name and address of any person, other than the parties, who may have custody of a minor during the pendency of the action;~~
  - ~~(i) the kind of public assistance, if any, that has been applied for or is being received by either party or on behalf of a minor, and the AFDC and recipient identification numbers; if public assistance has not been requested or received, that fact must be stated; and~~
  - ~~(j) the health care coverage, if any, that is available for each minor child; the name of the policyholder; the name of the insurance company, health care organization, or health maintenance organization; and the policy, certificate, or contract number.~~
- (2) Verified Financial Information Form. Unless waived in writing by the parties, or unless a settlement agreement or consent judgment of divorce or other final order disposing of the case has been signed by both parties at the time of filing, and except as set forth below, each party must serve a Verified Financial Information Form (as provided by SCAO) within 28 days following the date of service of defendant's initial responsive pleading. If a party is self-represented and his or her address is not disclosed due to domestic violence, the parties' Verified Financial Information forms will be exchanged at the first scheduled matter involving the parties or in another manner as specified by the court or stipulated to by the parties. A party who is a victim of domestic violence, sexual assault or stalking by another party to the case, may omit any information which might lead to the location of where the victim lives or works, or where a minor child may be found. Failing to provide this Verified Financial Information form may be addressed

by the court or by motion consistent with MCR 2.313. The Verified Financial Information form does not preclude other discovery. A proof of service must be filed when Verified Financial Information forms are served.

- (23) The information in the Verified Statement and Verified Financial Information forms is confidential, and is not to be released other than to the court, the parties, or the attorneys for the parties, except on court order. For good cause, the addresses of a party and minors may be omitted from the copy of the Verified Statement and Verified Financial Information forms that are served on the other party. If a party excludes his or her address for good cause, that party shall either:
- (a) submit to electronic filing and electronic service under MCR 1.109(G), or
  - (b) provide an alternative address where mail can be received.
- (34) If any of the information required to be in the Verified Statement or Verified Financial Information forms is omitted, the party seeking relief must explain the reasons for the omission in those forms a sworn affidavit, or in a separate statement, verified under MCR 1.109(D)(3)(b) to be filed with the court by the due date of the form.
- (5) A party who has served a Verified Financial Information form must supplement or correct its disclosure as ordered by the court or otherwise in a timely manner if the party learns that in some material respect the Verified Financial Information form is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the action or in writing.
- (6) When the action is to establish paternity or child support and the pleadings are generated from Michigan's automated child support enforcement system, the party is not required to comply with subrule (C)(1) or (C)(2). However, the party may comply with subrule (C)(1) and (C)(2) to provide the other party an opportunity to supply any omissions or correct any inaccuracies.
- (D) Attorney Fees and Expenses.
- (1) [Unchanged.]

- (2) A party who requests attorney fees and expenses must allege facts sufficient to show that
- (a) the party is unable to bear the expense of the action, including the expense of engaging in discovery appropriate for the matter, and that the other party is able to pay, or
  - (b) the attorney fees and expenses were incurred because the other party refused to comply with a previous court order, despite having the ability to comply, or engaged in discovery practices in violation of these rules.

*Staff Comment:* This amendment of MCR 3.206 combines and harmonizes two amendments issued in separate ADM files (ADM File No. 2002-37 and ADM File No. 2018-19) amending the same rule.

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.



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.

November 13, 2019

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk