

# Order

Michigan Supreme Court  
Lansing, Michigan

March 19, 2020

Bridget M. McCormack,  
Chief Justice

ADM File No. 2015-21

David F. Viviano,  
Chief Justice Pro Tem

Amendments of Rules 3.971,  
3.972, 3.973, and 3.974 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 amendments of Rules 3.971, 3.972, 3.973, and 3.974 of the Michigan Court Rules are adopted, effective immediately.

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

## Rule 3.971 Pleas of Admission or No Contest

- (A) [Unchanged.]
- (B) Advice of Rights and Possible Disposition. Before accepting a plea of admission or plea of no contest, the court must advise the respondent on the record or in a writing that is made a part of the file:
- (1)-(5) [Unchanged.]
- (6) that appellate review is available to challenge any errors in the adjudicatory process, which may be challenged in an appeal from the court's initial order of disposition~~a court's initial order of disposition following adjudication, and such a challenge can include any issues leading to the disposition, including any errors in the adjudicatory process;~~
- (7) that an indigent respondent is entitled to appointment of an attorney to represent the respondent on any appeal as of right~~of the initial dispositional order~~ and to preparation of ~~relevant~~ transcripts; and
- (8) [Unchanged.]
- (C) ~~Right to Appellate Review. The respondent may challenge the assumption of jurisdiction in an appeal from the order terminating respondent's parental rights if the respondent's parental rights are terminated at the initial dispositional hearing pursuant to MCR 3.977(E). In addition, t~~The respondent may challenge the assumption of jurisdiction in an appeal from the order terminating respondent's parental rights if the court fails to properly advise the respondent of their right to appeal pursuant to subrule (B)(6)-(8).

(D) [Unchanged.]

### Rule 3.972 Trial

(A)-(E) [Unchanged.]

(F) ~~Respondent's Rights Following Trial and Possible Disposition.~~ If the trial results in a verdict that one or more statutory grounds for jurisdiction has been proven, the court shall advise the respondent orally or in writing that:

- (1) appellate review is available to challenge any errors in the adjudicatory process, which may be challenged in an appeal from the court's ~~court's~~ ~~assumption of jurisdiction in an appeal of the~~ initial order of disposition,
- (2) that an indigent respondent is entitled to appointment of an attorney to represent the respondent on any appeal as of right and to preparation of ~~relevant~~ transcripts, and
- (3) [Unchanged.]

(G) Right to Appellate Review. ~~The respondent may challenge the assumption of jurisdiction in an appeal from the order terminating respondent's parental rights if the respondent's parental rights are terminated at the initial dispositional hearing pursuant to MCR 3.977(E). In addition, t~~The respondent may challenge the assumption of jurisdiction in an appeal from the order terminating respondent's parental rights if the court fails to properly advise the respondent of their right to appeal pursuant to subrule (F)(1)-(3).

### Rule 3.973 Dispositional Hearing

(A)-(F) [Unchanged.]

(G) Respondent's Rights Upon Entry of Dispositional Order. When the court enters an initial order of disposition following adjudication the court shall advise the respondent orally or in writing:

- (1) that at any time while the court retains jurisdiction over the minor, the respondent may challenge the continuing exercise of that jurisdiction by filing a motion for rehearing, under MCL 712A.21 ~~or MCR 3.992~~, or by filing an application for leave to appeal with the Michigan Court of Appeals,

- (2) that appellate review is available to challenge the court's~~both an~~ initial order of disposition following adjudication ~~and any order removing a child from a parent's care and custody,~~
- (3) that an indigent respondent is entitled to appointment of an attorney to represent the respondent on any appeal as of right and to preparation of ~~relevant~~ transcripts, and
- (4) [Unchanged.]

(H)-(J) [Unchanged.]

Rule 3.974 Procedures for Child at Home; Petition Authorized

(A)-(C) [Unchanged.]

(D) Procedure Following Postadjudication Out-of-Home Placement. If the child is in placement under subrule (B)(2) or (C)(3)(b), the court shall proceed as follows:

(1)-(2) [Unchanged.]

(3) The court shall advise the parent, guardian, or legal custodian of the right to appeal the order removing the child from a parent's care or custody.

*Staff Comment:* The amendments of MCR 3.971, 3.972, 3.973, and 3.974 make various clarifying changes to rules the Court adopted in June 2019.

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.

March 19, 2020

Clerk