

**From:** [Brown, Peter](#)  
**To:** [ADMcomment](#)  
**Subject:** Amendments of MCR 3.965, 3.971, 3.972, 3.973, and 3.993  
**Date:** Wednesday, September 11, 2019 4:58:00 PM

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MCR 3.977(J)(2) (Appointment of Attorney) gives clear guidance on how a Court must process an appeal after a termination of parental rights. MCR 3.977(J)(2)(b) provides that the entry of the order (Claim of Appeal and Order Appointing Counsel – JC84) by the trial court constitutes a timely filed claim of appeal under MCR 7.204. The JC 84 used in a termination of parental rights case appoints the attorney, orders the transcripts and perfects the appeal of right.

There is no corresponding court rule and court form for any other appeal as of right under the new appellate court rules. This creates confusion with court appointed appellate lawyers, court reporters and court clerks because the process is different than a termination.

In the hanging paragraph that sits between MCR 7.204 (A)(1)(d) and 7.204(A)(2), which we affectionately refer to as the “hanging paragraph rule,” forces the court appointed appellate attorney to perfect the appeal rather than the Court.. If this was in fact the intended process then we need a corresponding court form that makes it simple for the court appointed appellate attorney to perfect the other appeals as of right.

From an administrative point of view in handling indigent appeals, we suggest a corresponding rule to make the process the same as a termination appeal and an accompanying court form similar to the JC 84. In the alternative, create a new court form to fit the hanging paragraph rule similar to the MC 55.

R. Porter and P. Brown  
Attorney Referees  
Ingham County Circuit Court-Family Division