



## STATE OF MICHIGAN

PROBATE/FAMILY COURT  
CASS COUNTY, MICHIGAN

SUSAN L. DOBRICH  
CHIEF JUDGE  
PROBATE/FAMILY COURT JUDGE

LAW & COURTS BUILDING  
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November 1, 2019

Larry Royster  
Michigan Supreme Court Clerk  
PO Box 30052  
Lansing, MI 48909

RE: Update to amendments of Rules MCR 3.962, 3.391, 3.973 and 3.993

Dear Mr. Royster,

MPJA has participated in the workgroup with SCAO in regards to the new rule amendments. We continue to support the excellent work of Noah Bradow and the committee. We want to highlight a few of the MPJA recommendations. Our recommendations include the following:

- 1) We think the process should be similar to a criminal process. The appeal should come directly after the disposition. If the jurisdiction was taken by a plea then the appellate review should be by leave and if jurisdiction is obtained through trial, the appellate right should be by right. We base our opinion on the fact that the time frames are very short from removal to disposition. If counties are not following time frames the respondent's have the option of an application. Further, if a party does not appeal after disposition that right should be waived.
- 2) For consistence and clarity, all time frames on appeal should be the same whether it is 14 days or 21 days. It is more effective if the Court remains involved to perfect the appeal.
- 3) Appeal rights should not be placed in every rule, but rather placed in the disposition rule, MCR 3.973 and in the appeal rule, MCR 3.993.
- 5) The use of the term removal is very confusing particularly in light of *In Re Ditmer*. It is our position that the proposed rules should use the word placement which is defined by MCR 3.973. We believe this is more consistent with *In Re Sanders*.

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- 6) We want to keep the application of this rule within the purpose of *In Re Ferranti* to ensure that there are two orders that are appealable, disposition and termination, and that the collateral attack rule of *Hatcher* is overturned. By providing the advice of rights, the Courts will ensure that the tenets of *Ferranti* are provided.

Thank you for your attention.

Sincerely,

MPJA Committee  
Hon. Elwood Brown  
Hon. Jeff Nellis  
Hon. Nancy Thane

by Chair of Subcommittee



Hon. Susan L. Dobrich  
Chief Judge