

# Michigan Judges Association

## Founded 1927

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March 1, 2019

Larry Royster  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

Re: ADM File No. 2018-19

Proposed Amendment of Rule 1.105, 2.301, 2.302, 2.305, 2.306, 2.307, 2.309, 2.310, 2.312, 2.313, 2.314, 2.316, 2.401, 2.410 2.506, 3.201, 3.206, 3.922, 3.973, 3.975, 3.976, 3.977, 5.131 and Proposed New Rule 3.XXX

Dear Clerk Royster:

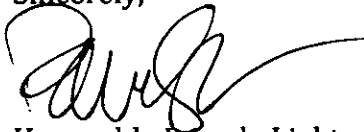
At the February 12, 2019 meeting of the Michigan Judges Association, the Executive Committee considered and acted upon the ADM No. 2018-19. The Michigan Judges Association supports the proposed administrative order, with following recommendations:

1. Remove the phrase "under seal" in (B) of 3.XXX. Sealing a record as set forth in MCR 8.119(1) is onerous when the objective is to prevent parties from filing confidential materials in domestic relations cases.
2. Add "adjudication" after the word "trial" in 3.922(A)(1) and in all other parts of that section of the rule that refer to a trial in delinquency cases and child protective proceedings.
3. Change the time frame from 7 days to 5 days in 3.922(B)(4), 3.973(E)(5), 3.975(E) and 3.976(D)(4) to be consistent with SCAO form JC 19.
4. Remove form 3200 in 3.922(A)(1)(b). This creates confusion for the Department of Health and Human Services caseworker when the allegations in the form are summarized in the DHHS investigative report and any subsequent initial service plan.

5. Add to MCR 2.301(A) a new paragraph 5 that addresses discovery in personal protection order actions:  
“Notwithstanding the provision of this or any other court rule, discovery is not permitted in personal protection order actions unless by order of the court, whether for enforcement, modifications or termination of personal protection order granted pursuant to MCR 3.701 et seq.”

Thank you for the opportunity to comment on these proposed rule changes.

Sincerely,



Honorable Pamela Lightvoet, President  
Michigan Judges Association

CC: Honorable Bridget McCormack, Chief Justice, Michigan Supreme Court

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