

July 30, 2020

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

RE: ADM File No. 2019-47 – Proposed Amendments of MCR 3.804, 5.140, and 5.404 and Proposed Addition of MCR 3.811

Dear Clerk Royster:

At its July 24, 2020 meeting, the Board of Commissioners of the State Bar of Michigan (Board) considered the above-referenced proposed rule amendments published for comment. In its review, the Board considered recommendations from the Access to Justice Policy Committee.

After this review, the Board voted unanimously to support the rule changes. These proposed amendments strike the appropriate balance in the use of video-technology in Indian Child Welfare Act (ICWA) and Michigan Indian Family Preservation Act (MIFPA) proceedings, by allowing video-technology in proceedings in which the permanent loss of parental rights is not at stake and prohibiting video-technology in matters that could result in the permanent loss of parental rights. In-person hearings are the best vehicle to allow courts to determine whether parents understand the rights at stake and the consequences of permanently releasing those rights. For these reasons, the ability to use video-technology should not be further extended to permanent voluntary release or termination of parental rights proceedings under ICWA or MIFPA.

We thank the Court for the opportunity to comment on the proposed rule amendments and rule addition.

Sincerely,



Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Dennis M. Barnes, President