

**COURT RULES UPDATE
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The following are the relevant pending proposed changes to the Michigan Court Rules:

1. ADM File 2023-23: Proposed Amendments of MCR 3.942 and MCR 3.972

This ADM file was issued on September 3, 2025. The comment period expires January 1, 2026. The proposed amendments would, in delinquency and child protective proceeding bench trials, require the court to make findings of fact and conclusions of law and allow for the equivalent of a directed verdict.

The relevant proposed changes are as follows:

Rule 3.942 Trial

(A)-(C) [Unchanged.]

(D) Bench Trial. In an action tried without a jury, the juvenile may make a motion pursuant to MCR 6.419(D) at the close of the prosecutor's case-in-chief.

(ED) Verdict. In a delinquency proceeding, the verdict must be guilty or not guilty of either the offense charged or a lesser included offense. At a trial without a jury, the court must state on the record or in a written opinion its findings of fact and conclusions of law.

Rule 3.972 Trial

(A)-(D) [Unchanged.]

(E) Bench Trial. In an action tried without a jury, a respondent may make a motion pursuant to MCR 2.504(B)(2) at the close of the petitioner's case-in-chief.

(EE) Verdict. In a child protective proceeding, the verdict must be whether one or more of the statutory grounds alleged in the petition have been proven. At a trial without a jury, the court must state on the record or in a written opinion its findings of fact and conclusions of law.

(F)-(G) [Relettered (G)-(H) but otherwise unchanged.]

2. ADM File 2022-34: Proposed Amendment of MCR 3.992

This ADM file was issued on October 1, 2025. The comment period expires February 1, 2026. The proposed amendments would require courts to consider a motion for postjudgment relief when the underlying order was entered following a referee's

recommendation and before the time for filing for judicial review under MCR 3.991 has elapsed. Note that the Michigan Supreme Court declined to adopt the proposed changes to MCR 3.991 in a prior ADM File 2022-35, and this proposed amendment appears to be a middle ground without putting more stringent requirements in the issuance of referee recommended orders.

The relevant proposed changes are as follows:

Rule 3.992 Rehearings; New Trial

- (A) ~~Time and Grounds.~~ Except for the case of a juvenile tried as an adult in the family division of the circuit court for a criminal offense, and except for a case in which parental rights are terminated, a party may seek a rehearing or new trial by filing a written motion stating the basis for the relief sought within 21 days after the date of the order resulting from the hearing or trial. In a case that involves termination of parental rights, a motion for new trial, rehearing, reconsideration, or other postjudgment relief shall be filed within 14 days after the date of the order terminating parental rights. The court may entertain an untimely motion for good cause shown.
- (B) Grounds. Except for a motion that seeks relief from an order entered pursuant to MCR 3.991(A)(3), a motion will not be considered unless it presents a matter not previously presented to the court, or presented, but not previously considered by the court, which, if true, would cause the court to reconsider the case. A motion that seeks relief from an order entered pursuant to MCR 3.991(A)(3) must be considered.

(B)-(F) [Relettered (C)-(G) but otherwise unchanged.]