

**RULE 3.205 PRIOR AND SUBSEQUENT ORDERS AND
JUDGMENTS AFFECTING MINORS**

- (A) Venue.** This rule applies whenever the prior and subsequent courts are Oakland County courts.
- (B) Notice to Prior Court, Friend of the Court, Juvenile/Probate Register or Prosecuting Attorney.**
- (1) As used in this rule, "appropriate official" means the friend of the court, juvenile/probate register, or Prosecuting Attorney, depending on the nature of the prior or subsequent action and the court involved.
 - (2) If a minor is known to be subject to the prior continuing jurisdiction of an Oakland County court, the plaintiff or other initiating party must file written notice of proceedings in the subsequent court with
 - (a) the clerk or register of the prior court, and
 - (b) the appropriate official of the prior court.
 - (3) The notice must be filed at least 21 days before the date set for hearing. If the fact of continuing jurisdiction is not then known, notice must be given immediately when it becomes known.
 - (4) The notice requirement of this subrule is not jurisdictional and does not preclude the subsequent court from entering interim orders before the expiration of the 21-day period, if required by the best interests of the minor.
- (C) Prior Orders.**
- (1) Each provision of a prior order remains in effect until the provision is superseded, changed, or terminated by a subsequent order.
 - (2) A subsequent court must give due consideration to prior continuing orders of other courts, and may not enter orders contrary to or inconsistent with such orders, except as provided by law.

(D) Duties of Officials of Prior and Subsequent Courts.

- (1) Upon receipt of the notice required by subrule (B), the appropriate official of the prior court
 - (a) must provide the assigned judge of the subsequent court with the docket sheet;
 - (b) may appear in person at proceedings in the subsequent court, as the welfare of the minor and the interests of justice require.
- (2) The appropriate official of the prior court shall furnish documents upon request of the subsequent court.
- (3) Upon request of the prior court, the appropriate official of the subsequent court
 - (a) must notify the appropriate official for the prior court of all proceedings in the subsequent court, and
 - (b) must send copies of all orders entered in the subsequent court to the attention of the clerk or register and the appropriate official of the prior court.
- (4) If a circuit court awards custody of a minor pursuant to MCL 722.26b; MSA 25.312(6b), the clerk of the circuit court must send a copy of the judgment or order of disposition to the probate court that has prior or continuing jurisdiction of the minor as a result of the guardianship proceedings, regardless of whether there is a request.
- (5) Upon receipt of an order from the subsequent court, the appropriate official of the prior court must take the steps necessary to implement the order in the prior court.

[Adopted effective November 1, 1995]

1995 Staff Comment

Local Court Rule 3.205 of the Sixth Judicial Circuit and the Oakland County Probate Court was adapted at the joint request of those courts.