

MICHIGAN COURT RULES:

RULE 3.206 INITIATING A CASE

(A) Information in Case Initiating Document.

(1) The form, captioning, signing, and verifying of documents are prescribed in MCR 1.109(D) and (E).

(2) Except for matters considered confidential by statute or court rule, in all domestic relations actions, the complaint or other case initiating document must state

(a) the allegations required by applicable statutes;

(b) the residence information required by statute; and

(c) the complete names of any minors involved in the action, including all minor children of the parties and all minor children born during the marriage, and for complaints for divorce, the ages of all children born of the marriage.

(3) When any pending or resolved family division or tribal court case exists that involves family members of the person(s) named in the case initiation document filed under subrule (2), the filing party must complete and file a case inventory listing those cases, if known. The case inventory is confidential, not subject to service requirements, and is available only to the party that filed it, the filing party's attorney, the court, and the friend of the court. The case inventory must be on a form approved by the State Court Administrative Office. This does not apply to outgoing requests to other states and incoming registration actions filed under the Revised Uniform Reciprocal Enforcement of Support Act, MCL 780.151 *et seq.* and the Uniform Interstate Family Support Act, MCL 552.2101 *et seq.*

(4) In an action for divorce, separate maintenance, annulment of marriage, or affirmation of marriage, regardless of the contentions of the parties with respect to the existence or validity of the marriage, the complaint also must state

(a) the names of the parties before the marriage;

(b) whether there are minor children of the parties or minor children born during the marriage;

(c) whether a party is pregnant;

(d) the factual grounds for the action, except that in an action for divorce or separate maintenance the grounds must be stated in the statutory language, without further particulars; and

(e) whether there is property to be divided.

(5) A party who requests spousal support in an action for divorce, separate maintenance, annulment, affirmation of marriage, or spousal support, must allege facts sufficient to show a need for such support and that the other party is able to pay.

(6) A party who requests an order for personal protection or for the protection of property, including but not limited to restraining orders and injunctions against domestic violence, must allege facts sufficient to support the relief requested.

(B) In a case in which the custody or parenting time of a minor is to be determined or modified, the filing party shall file a Uniform Child Custody Jurisdiction Enforcement Act Affidavit, on a form approved by the State Court Administrative Office, as required by MCL 722.1209(1).

(C) Verified Statement and Verified Financial Information Form.

(1) Verified Statement. In an action involving a minor, or if child support or spousal support is requested, the party seeking relief must provide to the friend of the court a verified statement containing, at a minimum, personal identifying, financial, and health care coverage information of the parties and minor children. A copy of the Verified Statement must be served on the other party. The Verified Statement must be completed on a form approved by the State Court Administrative Office.

(2) Verified Financial Information Form. Unless waived in writing by the parties, or unless a settlement agreement or consent judgment of divorce or other final order disposing of the case has been signed by both parties at the time of filing, and except as set forth below, each party must serve a Verified Financial Information Form (as provided by SCAO) within 28 days following the date of service of defendant's initial responsive pleading. If a party is self-represented and his or her address is not disclosed due to domestic violence, the parties' Verified Financial Information forms will be exchanged at the first scheduled matter involving the parties or in another manner as specified by the court or stipulated to by the parties. A party who is a victim of domestic violence, sexual assault or stalking by another party

to the case, may omit any information which might lead to the location of where the victim lives or works, or where a minor child may be found. Failing to provide this Verified Financial Information form may be addressed by the court or by motion consistent with MCR 2.313. The Verified Financial Information form does not preclude other discovery. A proof of service must be filed when Verified Financial Information forms are served.

(3) The information in the Verified Statement and Verified Financial Information forms is confidential, and is not to be released other than to the court, the parties, or the attorneys for the parties, except on court order. For good cause, the addresses of a party and minors may be omitted from the copy of the Verified Statement and Verified Financial Information forms that are served on the other party. If a party excludes his or her address for good cause, that party shall either:

(a) submit to electronic filing and electronic service under MCR 1.109(G), or

(b) provide an alternative address where mail can be received.

(4) If any of the information required to be in the Verified Statement or Verified Financial Information forms is omitted, the party seeking relief must explain the reasons for the omission in those forms, or in a separate statement, verified under MCR 1.109(D)(3)(b) to be filed with the court by the due date of the form.

(5) A party who has served a Verified Financial Information form must supplement or correct its disclosure as ordered by the court or otherwise in a timely manner if the party learns that in some material respect the Verified Financial Information form is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the action or in writing.

(6) When the action is to establish paternity or child support and the pleadings are generated from Michigan's automated child support enforcement system, the party is not required to comply with subrule (C)(1), (C)(2), or MCR 3.211(F)(2). However, the party may comply with subrule (C)(1), (C)(2), or MCR 3.211(F)(2) to provide the other party an opportunity to supply any omissions or correct any inaccuracies.

(D) Attorney Fees and Expenses.

(1) A party may, at any time, request that the court order the other party to pay all or part of the attorney fees and expenses related to the action or a specific proceeding, including a post-judgment proceeding.

(2) A party who requests attorney fees and expenses must allege facts sufficient to show that

(a) the party is unable to bear the expense of the action, including the expense of engaging in discovery appropriate for the matter, and that the other party is able to pay, or

(b) the attorney fees and expenses were incurred because the other party refused to comply with a previous court order, despite having the ability to comply, or engaged in discovery practices in violation of these rules.

Amended May 30, 2018, effective September 1, 2018; amended September 11, 2019, effective September 11, 2019; amended September 18, 2019, effective January 1, 2020; amended June 19, 2019, effective January 1, 2020; amended November 13, 2019, effective January 1, 2020; amended March 11, 2020, effective March 11, 2020; amended March 25, 2021, effective March 24, 2021.