

State of Michigan

Circuit Judges
Paul J. Clulo
Thomas L. Ludington
District Judges
John. H. Hart
Robert L. Donoghue
Probate Judge
Dorene S. Allen



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301 W. Main Street
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Administrative Order C 42 - 2006 - 01 - J
D 75 - 2006 - 01 - J
Midland County Probate Court - 2006 - 01 - J

INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(E), effective September 30, 1999, and 8.110(C) (7), effective October 1, 1988. The purpose of this order is to regulate requests for inspection and reproduction of court records and to allow flexibility in providing approved forms or creating new records. Previous Administrative Orders, being C 42 - 2001 -01, D 75 - 2002 - 03 and Midland County Probate Court 2003 - 03 are hereby rescinded.

1. Court records are public unless specifically made not public by statute, court rule, case law, or court order. Procedures for inspection and reproduction of nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, Nonpublic and Limited Access Records Chart, and Administrative Order 2006-2, Privacy Policy and Access to Records.
2. A list of court records not subject to public inspection is contained within the Nonpublic and Limited Access Records Chart.
3. Court records are not subject to Freedom of Information Act requests. MCL 15.232(d) (v) specifically exempts the judiciary from the Freedom of Information Act.
4. In accordance with MCR 8.110(C) (7), the court shall provide litigants with forms approved by the State Court Administrator at the cost of \$1.00 per form.
 - a. Parties will be limited to a maximum of five copies per each type of form requested.

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- b. There will be no charge for forms requested by court-appointed attorneys on cases to which they have been appointed or for indigent parties.
 - c. There will be no charge for forms prepared by the court.
 - d. The circuit court or clerk of the court may not charge for pro se forms for personal protection proceedings or motion forms for criminal post appeal relief. MCL 600.2950, 600.2950a, MCR 6.502(C) (15)

5. Any person may inspect any public court file to which access is not restricted by statute, court rule, case law, or court order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).

a. General

- 1) All requests for files and/or copies must be made on a "file/copy request form" and must specify a complete case number or party names except as provided under item b. 4) below.
- 2) Persons who do not have a complete case number or party names may review available case indexes to identify and select specific cases for inspection.
- 3) Files shall be reviewed at the public counter unless, in the discretion of court supervisory personnel, approval is granted to review records in the clerk's office based on available space, the number of files to be reviewed, and the length of time necessary to review them.
- 4) Ensuring the right of immediate access to and public inspection of records shall be a top priority but may be limited by the availability of court staff to supervise the inspection.

b. Access to Case Files/Information

- 1) Requests for access to no more than one specific case files will be accommodated within twenty-four hours unless the files are in storage or in use by the Court.
- 2) Requests for access to more than one specific case files will be accommodated within a reasonable amount of time depending on the total number of case files requested and the availability of court staff.

- 3) Requests for specific case files in storage will be accommodated within three working days.
- 4) Case information requests from other courts that lack specific case numbers or party names shall be researched by this court. Requested information will be provided at no charge and will not require a "copy request" form.
- 5) Requests to perform general traffic or criminal record checks that do not have specific case numbers or party names will not be researched by the court. They will be referred to the appropriate state agencies to obtain this information or to the available indexes referred to under subsection 5.a.2.
- 6) Requests for the wholesale review of particular types of cases will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. The court is not required to develop special procedures for the convenience or cost/benefit of persons requesting access and may specify the date, time and manner in which access is to be granted. It will be the responsibility of those persons requesting access to make prior, acceptable arrangements with the court.

c. Copies

- 1) The court will provide a limited number of copies (fewer than five total pages) at a cost of \$1.00 within four hours of the request for copies.
- 2) Requests for more than five total copies will be accommodated within a reasonable amount of time as determined by (1) the total number of pages to be copied, (2) the availability of court staff and photocopying equipment, and (3) the nature of the request, i.e., the degree to which court staff is required to identify, select, and review documents to be copied.
- 3) In order to preserve and maintain the integrity of court records and to prevent unreasonable interference with the discharge of court functions, persons will not be permitted to copy or otherwise duplicate court records using their own equipment.

d. New Record Creation

- 1) Requests for creation of a new record or compilation of records pertaining to case files or case-related information which

are granted will be accommodated within a reasonable amount of time

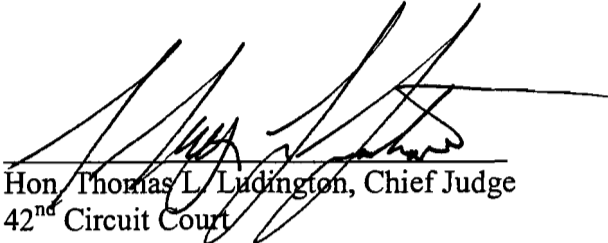
a) as determined by the availability of sufficient data already contained in the records or record data base to easily identify those records requested, and

b) only if such compilation will not unreasonably interfere with the discharge of court functions.

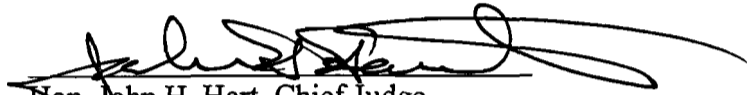
2) Costs to provide records under this subsection will include direct costs to the court to develop, generate, and validate the accuracy of the record.

Effective Date: March 1, 2006

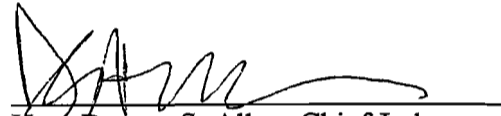
Date: *March 1, 2006*


Hon. Thomas L. Ludington, Chief Judge
42nd Circuit Court

Date: *3-1-06*


Hon. John H. Hart, Chief Judge
75th District Court

Date: *March 1, 2006.*


Hon. Dorene S. Allen, Chief Judge
Midland County Probate Court