

Records and Information Management

TABLE OF CONTENTS

8-01	Introduction	8-01-01
8-02	Records Kept by Court Clerks	
	A. Records Kept by All Court Clerks	8-02-01
	B. Other Records Kept by the Register of Probate	8-02-03
	C. Court Reporter/Recorder Records	8-02-03
8-03	Public Access to Court Case Records	
	A. Right of Public Inspection	8-03-01
	B. Handling Inquiries Regarding Nonpublic Records	8-03-02
	C. Authority for Restricting Access	8-03-02
	D. Freedom of Information Act	8-03-02
	E. Providing Indigent Defendants with Case Records	8-03-03
	F. Sealed Records	8-03-04
	G. Juvenile Case Records	8-03-04
8-04	Record Retention and Disposal	
	A. Authority	8-04-01
	B. Record Retention and Disposal Schedule	8-04-01
	C. Record Reproduction	8-04-01
	D. E-mail Retention	8-04-02
	E. Record Storage	8-04-02
	F. Disaster Prevention and Recovery	8-04-03
	G. Confidential Records Destruction	8-04-03

TABLE OF CONTENTS (continued)

	H. Additional Information	8-04-03
8-05	Case Disposition Reports to State and Federal Agencies	8-05-01
8-06	State Court Administrative Office Forms	
	A. Authority	8-06-01
	B. Process for Developing and Revising SCAO-Approved Forms	8-06-01
	C. Approval and Distribution	8-06-03
	D. Modifying SCAO-Approved Forms	8-06-04
	E. Standard Specifications and Design Criteria	8-06-04
	F. Managing Forms	8-06-06

Records and Information Management

8-01 INTRODUCTION

Every court should have a program for managing the creation, maintenance, and disposition of all court records. Any records management program instituted should consider the handling of a file from case initiation to destruction. Standards for managing trial court case files, which represent the majority of a court's records management needs, have been established through Michigan Supreme Court Administrative Order 1999-4, which can be accessed on-line at <http://coa.courts.mi.gov/rules/documents/3AdministrativeOrders.pdf>. For further information, see the *Michigan Trial Court Case File Management Standards*, which is available at http://courts.michigan.gov/scao/resources/standards/cf_stds.pdf.

Education and training in the area of records management is available through the Institute for Court Management. The Michigan Department of Technology, Management and Budget (formerly the Michigan Department of History, Arts and Libraries) offers basic records management services information. Go to http://www.michigan.gov/dmb/0,1607,7-150-9141_21738---,00.html for more information. The National Center for State Courts (NCSC) has also published *A Guide to Court Records Management*. For more information on how to order *A Guide to Court Records Management* and on document management in general, visit the NCSC website at <http://www.ncsconline.org/wc/CourTopics/ResourceGuide.asp?topic=DocMan#210>.

Any records management program should also be considered in light of caseflow management practices. For a better understanding of this relationship, see the *Caseflow Management Guide* at <http://courts.michigan.gov/scao/resources/publications/manuals/cfm.pdf>.

8-02 RECORDS KEPT BY COURT CLERKS

A. Records Kept by All Court Clerks

The clerk of the court shall comply with the records standards in MCR 8.119 and as otherwise prescribed by the Michigan Supreme Court. The clerk of the court of every trial court shall keep records in the form and style the court prescribes and in accordance with Michigan Supreme Court records standards and local court plans. Note: Reference to the “clerk” in the Michigan Court Rules also applies to the register in probate court proceedings. (MCR 5.001[B][1])

A court may adopt a computerized, microfilm, or word-processing system for maintaining records that substantially complies with MCR 8.119(D).

1. Filing of Papers

The clerk of the court shall endorse on every paper the date on which it is filed. Papers filed with the clerk of the court must comply with Michigan Court Rules and Michigan Supreme Court records standards. The clerk of the court may reject papers which do not conform to MCR 2.113(C)(1) and MCR 5.113(A)(1).

2. Case Files

The clerk of the court shall maintain a file folder for each action, bearing the case number assigned to it, in which the clerk shall keep all pleadings, process, written opinions and findings, orders, and judgments in the action. Additionally, the clerk shall keep in the file all other documents prescribed by court rule, statute, or as ordered by the court.

3. Types of Records

The clerk shall keep and maintain records of each case consisting of a numerical index, an alphabetical index, a register of actions, and a case file in such form and style as may be prescribed by the Supreme Court.

Each case shall be assigned a case number on receipt of a complaint, petition or other initiating document. The case number shall comply with MCR 2.113(C)(1)(c) or MCR 5.113(A)(1)(b)(ii) as applicable. In addition to the case number, a separate petition number shall be assigned to each petition filed under the Juvenile Code as required by MCR 5.113(A)(1)(b)(ii). The case number (and petition number if applicable) shall be recorded on the register of actions, file folder, numerical index, and alphabetical index.

The records shall include the following characteristics.

a. Indexes

The clerk shall maintain a numerical index as a list of consecutive case numbers on which the date of filing and the names of the parties are recorded. The index may be maintained either as a central index for all cases filed in the court or as separate lists for particular types of cases or particular divisions of the court. The clerk shall maintain a central alphabetical index or separate alphabetical indexes for particular types of cases or particular divisions of the court on which the date of filing, names of all parties and the case number are recorded.

b. Register of Actions

The clerk shall keep a case history of each case, known as a register of actions. The register of actions shall contain both prejudgment and postjudgment information. When a case is commenced, a register of actions form shall be created. The case identification information in the alphabetical index shall be entered on the register of actions. The following shall also be noted chronologically on the register of actions as it pertains to the case: the offense (if one), the judge assigned to the case, fees paid, date and title of each filed document, process issued and returned, date of service, date of each event and type and result of action, date of scheduled trials, hearings (whether or not the hearing took place and the name and certification number of the court reporter or recorder), and all other appearances or reviews, orders, judgments, verdicts, the judge at adjudication and disposition, date of adjudication and disposition, manner of adjudication and disposition. Each notation shall be brief, but shall show the nature of each paper filed, each order or judgment of the court and the returns showing execution. Each notation shall be dated with the date of filing and the date of entry, and shall indicate the person recording the action.

c. Calendars

The clerk may maintain calendars of actions. A calendar is a schedule of cases ready for court action that identifies times and places of activity.

d. Journals

Except for recording marriages, journals shall not be maintained.

4. Other Records

The clerk shall keep in such form as may be prescribed by the court, other papers, documents, materials, and things filed with or handled by the court including but not limited to wills for safekeeping, exhibits and other discovery materials, requests for search warrants, marriage records, and administrative activities. (MCR 8.119[D]) See also Sections 4-02 and 4-07.

B. Other Records Kept by the Register of Probate

Original orders and letters of authority, after being recorded, must be placed in the files of the probate court. For security purposes, testamentary documents of deceased persons, bonds, orders, and such other documents as the probate court directs must be copied by microfilming or other means promptly after filing or issuance and preserved in the records of the probate court separately from the files. (MCL 600.832, MCR 8.302)

C. Court Reporter/Recorder Records

1. Records Kept by Court Reporter/Recorder

The court reporter/recorder who takes the testimony on the trial or the hearing of any case shall prefix the record of the testimony of each witness with the full name of the witness and the date and time the testimony was taken. At the conclusion of the trial of the case, the reporter/recorder shall secure all of the records and properly entitle them on the outside, and shall safely keep them in his or her office. See also Section 4-24.

2. Transfer of Records to Clerk of Court

If the court reporter/recorder dies, resigns, is removed from office, or leaves the state, his or her records in each case must be transferred to the clerk of the court in which the case was tried. The clerk shall safely keep the records subject to the direction of the court. The records are a part of the record of each case and are subject to inspection in the same manner as other records. On order of the court, a transcript may be made from the records and filed as a part of the record in the case. See also Sections 4-02, 4-07, 4-11, and 4-14.

3. Court to Retain Records of Freelance Reporters/Recorders

Although not addressed by rule, it is a good management practice for a court to retain the records of court reporters/recorders who are not employed by the court.

8-03 PUBLIC ACCESS TO COURT CASE RECORDS

The clerk may not permit any record or paper on file in the clerk's office to be taken from it without the order of the court.

A. Right of Public Inspection

Generally, unless access to a file is restricted by statute, court rule or an order pursuant to MCR 8.119(F), any person may inspect pleadings and other papers in a court clerk's office and may obtain copies as provided by MCR 8.119(E)(2) and (3). A court, by administrative order, may make reasonable regulations necessary to protect its public records and prevent excessive and unreasonable interference with the discharge of its functions. See Sections 12-03 and 12-04. For more information, see the Model Order for Inspection, Reproduction, and Creation of New Records (LAO 8) at <http://courts.michigan.gov/scao/resources/other/lao.htm#pacr>.

Access to friend of the court records is regulated by MCR 3.218. For the Model Order for Access to Friend of the Court Records (LAO 1), go to the SCAO website at <http://courts.michigan.gov/scao/resources/other/lao.htm#afoc>.

1. Providing Copies

If a person wishes to obtain copies of papers in a file, the clerk shall provide copies upon receipt of the reasonable cost of reproduction, not to exceed \$2 per page. If the clerk prefers, he or she may permit the requesting person to make copies at his or her own expense under the direct supervision of the clerk. The clerk shall redact any social security numbers on copies of documents filed on or after March 1, 2006. This does not apply to true or certified copies or copies being used for purposes for which the social security number was intended. For details, see Administrative Order 2006-2 at <http://coa.courts.mi.gov/rules/documents/3AdministrativeOrders.pdf>.

2. Creating New Records

A court is not required to create a new record, except to the extent required by furnishing copies of a file, paper, or record. A court may create a new record or compilation of records pertaining to case files or case-related information on request, provided that the record created or compiled does not disclose information that would otherwise be confidential or restricted by statute, court rule, or an order entered pursuant to MCR 8.119 (F).

3. Copy Fee

Except for copies of transcripts and as otherwise directed by statute or court rule, a standard fee may be established for providing copies of papers in a file, not to exceed \$2 per page.

4. Local Administrative Order Regulating Access

Every court shall adopt an administrative order pursuant to MCR 8.112(B) to:

- a. make reasonable regulations necessary to protect its public records and prevent excessive and unreasonable interference with the discharge of its functions;
- b. specify the reasonable cost of reproduction of records provided by MCR 8.119(E)(2); and
- c. specify the process for determining costs pursuant to MCR 8.119(E)(3).

(MCR 8.119[E])

B. Handling Inquiries Regarding Nonpublic Records

The court's response to inquiries regarding nonpublic records is outlined in the *Michigan Trial Court Case File Management Standards, Access to Records and Case Folders*, at http://courts.michigan.gov/scao/resources/standards/cf_stds.pdf. For additional information, see also the Nonpublic and Limited-Access Court Records chart at http://courts.michigan.gov/scao/resources/standards/cf_chart.pdf; Michigan Supreme Court Administrative Order 2006-2, Privacy Policy and Access to Records, at <http://courtofappeals.mijud.net/rules/documents/3AdministrativeOrders.pdf>; and SCAO Administrative Memorandum 2006-04 (issued February 24, 2006) at <http://courts.michigan.gov/scao/resources/other/scaoadm/2006/2006-04.pdf>.

C. Authority for Restricting Access

Common statutes, courts rules, and case law that restrict public access to case records or portions of records are listed in the *Michigan Trial Court Case File Management Standards, Access to Records and Case Folders*, which can be accessed at http://courts.michigan.gov/scao/resources/standards/cf_stds.pdf. For additional information, see Model Local Administrative Order (LAO) 8, Inspection, Reproduction and Creation of New Records at <http://courts.michigan.gov/scao/resources/other/lao.htm#pacr> and the Nonpublic and Limited-Access Court Records chart at http://courts.michigan.gov/scao/resources/standards/cf_chart.pdf.

D. Freedom of Information Act

Oftentimes, court records are requested by a person citing the Freedom of Information Act. (MCL 15.231 *et seq.*) Although the judiciary is specifically excluded from the definition of public bodies subject to the act, several Michigan Court Rules cover public access to court files and records. Specifically, MCR 8.119(E) permits any person to inspect pleadings and other papers in the clerk's office and to obtain copies.

E. Providing Indigent Defendants with Case Records (applies to circuit courts only) (MCR 6.433)

1. Appeals of Right

An indigent defendant may file a written request with the sentencing court for specified court documents or transcripts, indicating that they are required to pursue an appeal of right. The court must order the clerk to provide the defendant with copies of documents without cost to the defendant and, unless the transcript has already been ordered as provided in MCR 6.425(G)(2), must order the preparation of the transcript. (MCR 6.433[A])

2. Appeals by Leave

An indigent defendant filing an application for leave to appeal may obtain copies of transcripts and other documents as provided in MCR 6.433(B).

- a. The defendant must make a written request to the sentencing court for specified documents or transcripts indicating that they are required to prepare an application for leave to appeal.
- b. If the requested materials have been filed with the court and not provided previously to the defendant, the court clerk must provide a copy to the defendant. If the requested materials have been provided previously to the defendant, on defendant's showing of good cause to the court, the clerk must provide the defendant with another copy.
- c. If the request includes the transcript of a proceeding that has not been transcribed, the court must order the materials transcribed and filed with the court. After the transcript has been prepared, the court clerk must provide a copy to the defendant.

3. Other Postconviction Proceedings

An indigent defendant who is not eligible to file an appeal of right or an application for leave to appeal may obtain records and documents as provided in MCR 6.433(C).

- a. The defendant must make a written request to the sentencing court for specific court documents or transcripts indicating that the materials are required to pursue postconviction remedies in a state or federal court and are not otherwise available to the defendant.
- b. If the documents or transcripts have been filed with the court and not previously provided to the defendant, the clerk must provide the defendant with copies of such materials without cost to the defendant. If the requested materials have been previously provided to the defendant, on the defendant's showing of good cause

to the court, the clerk must provide the defendant with another copy.

- c. The court may order the transcription of additional proceedings if it finds that there is good cause for doing so. After such a transcript has been prepared, the clerk must provide a copy to the defendant.
- d. Nothing in this rule precludes the court from ordering materials to be supplied to the defendant in a proceeding under subchapter 6.500.

F. Sealed Records

Except as otherwise provided by statute or court rule, a court may not enter an order that seals court records, in whole or in part, in any action or proceeding unless certain factors exist. These factors and the sealing of court records is governed by MCR 8.119(F).

A court may not seal a court order or opinion, including an order or opinion that disposes of a motion to seal the record. Whenever a court grants a motion to seal a court record, in whole or in part, the court must forward a copy of the order to the Clerk of the Supreme Court and the State Court Administrative Office pursuant to MCR 8.119(F)(7).

Materials that are subject to a motion to seal a record in whole or in part shall be held under seal pending the court's disposition of the motion pursuant to MCR 8.119(F)(4).

G. Juvenile Case Records

Access to juvenile case records of the family division of circuit court is specifically defined by MCR 3.903(A)(3), (8) and (24), and MCR 3.925(D).

8-04 RECORD RETENTION AND DISPOSAL

A. Authority

Records may not be disposed of, mutilated, or destroyed except as allowed by statute or court rule. Minimum record retention schedules for use by the trial courts have been approved by the State Administrative Board. (MCL 399.5, MCL 600.2137, MCL 691.1101, MCL 600.8344, MCL 720.551, MCR 3.925)

B. Record Retention and Disposal Schedule

General Records Retention and Disposal Schedule #16 – Michigan Trial Courts has been approved by the State Administrative Board. The schedule is available at http://courts.michigan.gov/scao/resources/standards/cf_schd.pdf.

C. Record Reproduction

The Records Reproduction Act (MCL 24.401-24.406) regulates the reproduction of public records by public bodies in Michigan. The law requires that standards be promulgated to regulate the use of microfilm and digital imaging technologies. These standards are available from Records Management Services at http://www.michigan.gov/dmb/0,1607,7-150-9141_21738_31550---,00.html.

1. Michigan Laws, Standards and Best Practices

- Best Practices for Reproducing Public Records
http://www.michigan.gov/documents/hal_mhc_rms_bp_for_reproduction_125530_7.pdf
- Records Reproduction Act (MCL 24.401 - 24.406) (effective January 2005)
[http://www.legislature.mi.gov/\(S\(y4xss5553fwah1eequiw1bz3\)\)/documents/mcl/pdf/mcl-act-116-of-1992.pdf](http://www.legislature.mi.gov/(S(y4xss5553fwah1eequiw1bz3))/documents/mcl/pdf/mcl-act-116-of-1992.pdf)
- Best Practices for the Capture of Digital Images from Paper or Microfilm
http://www.michigan.gov/documents/hal_mhc_rms_bp_for_digitizing_125527_7.pdf
- Standards for Capturing Digital Images from Paper or Microfilm (effective August 15, 2005)
http://www.michigan.gov/documents/hal_mhc_rms_st_for_digitizing_125531_7.pdf
- Best Practices for the Microfilming of Paper Records
http://www.michigan.gov/documents/hal_mhc_rms_bp_for_film_from_paper_125529_7.pdf
- Standards for Capturing Microfilm from Paper (effective August 15, 2005)
http://www.michigan.gov/documents/hal_mhc_rms_st_for_film_from_paper_125533_7.pdf
- Best Practices for the Microfilming of Digitized Records
http://www.michigan.gov/documents/hal_mhc_rms_bp_for_film_from_digital_125528_7.pdf

- Standards for Microfilming Digital Records (effective August 15, 2005)
http://www.michigan.gov/documents/hal_mhc_rms_st_for_film_from_digital_125532_7.pdf
- Michigan Trial Court Guidelines and Standards for Digital Imaging
http://www.courts.mi.gov/scao/resources/standards/di_stds.pdf

2. U.S. Standards

American National Standards Institute (ANSI)
1819 L Street, NW
6th Floor
Washington, DC 20036
202-293-8020
www.ansi.org/

Association for Information and Image Management (AIIM)
1100 Wayne Avenue, Suite 1100
Silver Spring, MD 20910
301-587-8202
www.aiim.org/

3. Vendor Services (State of Michigan master contracts)

Records Management Services administers master contracts with vendors that provide microfilming, digital imaging, and media storage services. Courts may use these competitively-bid contracts. Records Management Services provides consulting services to courts that use these contracts to develop a “Statement of Work” that defines the work that will be done and that establishes quality measures. Questions about these contracts may be addressed to Brice Sample at 517-335-9450 or sampleb@michigan.gov, or Jeff Baldwin at 517-335-8965 or baldwinj@michigan.gov.

D. E-mail Retention

E-mail is a fast, efficient, and cost-effective means for communicating and sharing information. However, e-mail messages are subject to the same record retention laws as other court records. Records Management Services has published guidelines and information about e-mail retention. Information is available at www.michigan.gov/recordsmanagement.

E. Record Storage

When records become inactive, the court may want to consider off-site storage for file maintenance, if there is not adequate storage in the court facility. Records Management Services has published a guide to help select a records storage vendor. It is available at http://www.michigan.gov/documents/hal_mhc_rms_storage_vendors_171510_7.pdf.

F. Disaster Prevention and Recovery

Records Management Services has published a guide that contains a list of web-based resources that will help government agencies plan for and respond to disasters. See http://www.michigan.gov/documents/hal_mhc_rms_disaster_156284_7.pdf.

G. Confidential Records Destruction

Some public records contain sensitive or confidential information. These records should not be placed in a regular trash or recycle bin when they are destroyed. It is important that government agencies ensure these records are destroyed in a manner that prevents the inappropriate release of the information. The State of Michigan administers a master contract with a vendor that complies with the state's requirements for confidential destruction of records. Government agencies that are interested in using this contract should contact the vendor at:

Certified Document Destruction
300 W. Chestnut St.
Wauseon, OH 43567
Attention: Brian Dorosz
1-800-433-7876

H. Additional Information

Records Management Services provides expertise and assistance to state and local government agencies with managing records and information in the most effective, cost efficient, and legally compliant manner.

Michigan Department of Technology, Management and Budget
Records Management Services
PO Box 30026
3400 N. Grand River Ave.
Lansing, MI 48909
517-335-9132
www.michigan.gov/recordsmanagement

8-05 CASE DISPOSITION REPORTS TO STATE AND FEDERAL AGENCIES

In addition to the caseload and case monitoring reports submitted to the state court administrator (see Sections 3-04 and 7-02), court personnel are required to submit a number of case disposition reports to state agencies. (See MCR 8.119[G])

<u>Report Name</u>	<u>Submitted By</u>	<u>State Agency</u>	<u>Authority</u>
Abstract Certification Form BDVR 103	Court Clerk	Department of State Abstract Processing Unit 7064 Crowner Drive Lansing, MI 48918 517-322-1598	MCL 257.732
Adjudication and Sentence Information of certain listed offenses	Court clerk	Department of Education Sup. of Public Instruction PO Box 30008 Lansing, MI 48909	MCL 380.1535a, MCL 380.1535b
Adoption Records Form DCH 0854 (9/00) (was B-83a)	Court Clerk	Dept. of Community Health Changes Unit 3423 North MLK Jr. Blvd. Lansing, MI 48909 517-335-8684	MCL 333.2829
Complaints, Judgments, Decrees, Orders filed, Consumer Protection Act	Court Clerk	Attorney General Consumer Protection Division PO Box 30213 Lansing, MI 48909 517-335-0855	MCL 445.912
Crime Victim Rights Assessment Report CVR 606	Court Clerk	Dept. of Community Health Crime Victim's Services Comm. 517-373-7373	MCL 780.905
Criminal and Juvenile Offense Dispositions	Court Clerk	Michigan State Police 106 W. Allegan Lansing, MI 48933 517-373-0382	MCL 769.16a, MCL 712A.18(16)
Criminal and Juvenile Offense Dispositions of Aliens	Court Clerk	Immigration and Customs Enforcement (ICE) Attn: John Flannigan 333 Mt. Elliott Detroit, MI 48207	42 USC 3753(11)

<u>Report Name</u>	<u>Submitted By</u>	<u>State Agency</u>	<u>Authority</u>
Divorce Records Forms DCH-0838 (11/99) (was B-42) and B-84 (8/93)	Court Clerk	Dept. of Community Health Registration Unit 3423 North MLK Jr Blvd Lansing, MI 48909 517-335-9826	MCL 333.2864
Fee Transmittal for State of Michigan District and Municipal Court Offices, Form 295 (8/03)	Court Clerk	Dept. of Treasury Receipts Processing Lansing, MI 48922 517-636-5386	1919 PA 71 and other various laws
Fee Transmittal for State of Michigan Probate and Circuit Courts, Form 57 (4/10)	Court Clerk	Dept. of Treasury Receipts Processing Lansing, MI 48922 517-636-5386	1919 PA 71 and other various laws
Friend of the Court Title IV-D Cooperative Reimbursement Expenditure Report, Form DHS 286 (4/06)	Friend of Court	Dept. of Human Services Office of Child Support 235 S. Grand Avenue Lansing, MI 48909 1-866-540-0008	Title IV-D Social Security Act
Friend of the Court Title IV-D Medical Support Reimbursement Expenditure Report, Form DHS 286a (4/06)	Friend of Court	Dept. of Human Services Office of Child Support 235 S. Grand Avenue Lansing, MI 48909 1-866-540-0008	Title IV-D Social Security Act
Friend of the Court Title IV-D Reinvestment of Incentives Quarterly Report, Form DHS 192 (4/06)	Friend of Court	Dept. of Human Services Office of Child Support 235 S. Grand Avenue Lansing, MI 48909 1-866-540-0008	Title IV-D Social Security Act
LEIN Reporting SCAO Forms PCM 214, PC 631 and MC 207	Court Clerk	Michigan State Police (recipient is generally a local Michigan State Police contact)	MCL 330.1464a MCL 700.5107 MCL 769.16b
Medical Malpractice Judgments Form LHI-700 (8/86)	Court Clerk	Licensing and Regulation Bureau of Health Services PO Box 30018 Lansing, MI 48909 517-373-1530	MCL 333.16243(2)

<u>Report Name</u>	<u>Submitted By</u>	<u>State Agency</u>	<u>Authority</u>
Monthly Report on Foster Care Form DHS 207 (9/05)	Circuit Judge	Dept. of Human Services	
Name Change Orders SCAO Form PC 52	Court Clerk	Michigan State Police	MCL 711.1(3)
Order Granting Custody to Putative Father Form B-71 (1/97)	Court Clerk	Dept. of Community Health Registration Unit 3423 North MLK Jr. Blvd. Lansing, MI 48909 517-335-9826	MCL 710.39
Paternity Orders Forms B-71 (1/97) and B-72 (11/85) (now DCH-0740)	Court Clerk	Dept. of Community Health Registration Unit 3423 North MLK Jr. Blvd. Lansing, MI 48909 517-335-9826	MCL 722.717
Sex Offender Registration Forms DD-4	Probation Clerk or Court Clerk	Local arresting agency or Michigan State Police local post	MCL 28.724
Traffic Offense Abstract Form DS1-22A (7/05) (may submit film or tape in lieu of form), DS1-22B and BDVR-103	Court Clerk	Department of State Abstract Processing Unit 7064 Crowner Drive Lansing, MI 48918 517-322-1596	MCL 257.321a MCL 257.732

8-06 STATE COURT ADMINISTRATIVE OFFICE FORMS

A. Authority

1. State Court Administrative Office

- a. The state court administrator, under the Supreme Court's supervision and direction, shall approve and publish forms as required by the Michigan Court Rules and such other recommended forms as the administrator deems advisable. (MCR 8.103[9])
- b. For the purpose of achieving uniformity of forms throughout this state in the probate court, effective July 1, 1979 only forms approved by the Supreme Court or the state court administrator shall be used. (MCL 600.855)
- c. The Department of Community Health shall prescribe the forms to be used under the Mental Health Code, and all hospitals shall use department forms. Forms that may be used in court proceedings under the Mental Health Code shall be subject to the approval of the Supreme Court. (MCL 330.1404)

2. Chief Judge

The chief judge may, by administrative order, direct the clerk of the court to provide litigants and attorneys with copies of forms approved by the state court administrator. The administrative order may allow the clerk to provide the forms at a cost of reproduction to the clerk. (MCR 8.110[C][7])

Unless specifically required by statute or court rule (including local court rule), the court may not mandate the use of a specific form, whether SCAO-approved or locally-developed. There are many statutes and court rules that require the state court administrator to approve forms for use in specific proceedings, but there are very few that mandate the use of SCAO-approved forms.

B. Process for Developing and Revising SCAO-Approved Forms

1. Formal Request

Any interested person may initiate development of a new form or revision of an existing form by directing a written request to SCAO-approved Court Forms, PO Box 30048, Lansing, MI 48909; telephoning 517-373-4864; or sending an e-mail to CourtFormsInfo@courts.mi.gov.

Initial contact regarding forms is made to the forms unit and may include:

- a. a request for a revision or a new form.

- b. a question about the use of a form.
- c. an inquiry into the background or history of a form.
- d. other concerns regarding a form.

2. Documentation and Followup

The forms unit reviews and responds to all inquiries. If further action is taken, the individual who made the inquiry is kept informed of the status of the inquiry until it is resolved.

3. Publication for Comment

New and revised forms for review by the Michigan Court Forms Committee are published for comment at <http://courts.michigan.gov/scao/courtforms/publish.htm>. Publication consists of posting the proposal (narrative, draft form, or concept) to the “State Court Administrative Office Approved Court Forms” webpage and sending notice of the publication to all trial court association presidents, the State Bar of Michigan, *Michigan Lawyers Weekly* and the trial courts. Comments received on a proposal will be posted daily for the duration of the comment period. The new and revised forms and any comments received regarding the new or revised forms will then be considered by the Michigan Court Forms Committee for final resolution.

4. Formal Meeting

The Michigan Court Forms Committee is comprised of 10 work groups, which consist of representatives from the judiciary, state government, and the legal profession. The work groups meet to discuss issues referred to it following publication and comment. The primary focus of the committee is substantive and procedural content analysis. However, the State Court Administrative Office may ask for input regarding design as it relates to effective use of forms. Minutes of Michigan Court Forms Committee meetings are distributed to members and, upon request, to any other interested person, and are also posted on the SCAO website.

a. Schedule

The committee meets at specific times throughout the year as follows:

- Adoption Work Group – last Thursday in February.
- Criminal Work Group – first Thursday of March
- General Miscellaneous and Civil Work Group – second Thursday of March.
- Domestic Relations Work Group (including Friend of the Court) – third Thursday in March.
- Civil Infractions and Summary Proceedings Work Group – fourth Thursday in

March.

- Estates and Trusts Work Group – first Thursday in September.
- Mental Health/Commitment Work Group – second Thursday in September.
- Child Protective Proceedings and Juvenile Guardianship Work Group – third Thursday in September.
- Guardianship, Conservatorship, and Protective Proceedings – fourth Thursday in September.
- Delinquency, Designated, Minor Personal Protection, and Traffic/Ordinance –first Thursday in October.

b. Appointment to the Committee

Members are appointed by the state court administrator for three-year terms. As positions become vacant, trial court association presidents and others are asked to nominate individuals for appointment. The state court administrator will consider the nominee with input from the Trial Court Services analysts.

C. Approval and Distribution

1. State Court Administrator Approval

After new and revised forms have been prepared, the proposed forms are presented to Supreme Court counsel for review. Once approved by Supreme Court counsel, the proposed forms are forwarded to the state court administrator for final approval.

2. Distribution of SCAO-Approved Forms, Instructions, and Other Information

Paper (camera-ready) copies of SCAO-approved forms are distributed to trial courts, legal printers, publishers, software companies, case management system providers, and relevant state government departments. SCAO-approved court forms are also available at www.courts.mi.gov/scao/courtforms in portable document format (PDF). The forms can be accessed and printed from the website by anyone who has Adobe Acrobat Reader, which is available free of charge from Adobe.

When a form is revised or developed without publication for comment or discussion by the Michigan Court Forms Committee (i.e., an immediate change necessitated by a court rule amendment or in light of a court opinion), paper (camera-ready) copies are distributed along with an explanation of the change, and the form is posted to the website immediately upon approval. Numerical and alphabetical indexes are updated and posted to the website as well. Notice of the new or revised form is also sent to the State Bar of Michigan for publication in the *Michigan Bar Journal*, as deemed appropriate.

When a form is revised and developed through the Michigan Court Forms Committee process, it occurs in conjunction with other forms presented to the committee. These

forms are distributed and posted as a group in June (circuit/district and friend of the court forms) and December (probate and family division forms) of each year. The mailing includes camera-ready copies of the forms, revised numerical and alphabetical indexes, an explanation of the form changes and, when necessary, instructions on the use of the forms. These materials (except for the explanation of changes) are also posted on the SCAO website the same day the forms are mailed. Notice of revised and new forms is also sent to the State Bar of Michigan for publication in the *Michigan Bar Journal*.

3. Forms Contact Person

Each court has one designated forms contact person who will be the primary contact for the forms analyst. The purpose of the forms contact person is to:

- a. be the telephone contact person to coordinate forms requests, questions, and other forms-related issues between the State Court Administrative Office and the court (this does not preclude anyone else from contacting SCAO directly), and
- b. receive from the State Court Administrative Office the original camera-ready copies of the approved forms, forms indexes, and other correspondence regarding forms.

D. Modifying SCAO-Approved Forms

The following revisions may be made to SCAO-approved forms.

1. Printing of names, titles, addresses, telephone numbers, or other court specific information in blank space on the form.
2. Printing of special instructions in unused space on the form.
3. Adding or deleting plys or multiple parts as needed for minimum distribution listed on the form.
4. Having forms padded, using carbonless paper, or using carbon interleaves as applicable to procedures in individual courts.
5. Printing in continuous feed for use with word processors or computer printers.

When forms are modified other than as described above, "Approved, SCAO" and the form number must be removed from the modified form before it is printed or used.

E. Standard Specifications and Design Criteria

In 1984, the Circuit, District, Juvenile, and Probate Court Forms Committees adopted the SCAO standard specifications and design criteria. Minor revisions were made in 1990.

These specifications may be helpful in developing internal court forms or for designing forms which are electronically published. The specifications are as follows.

1. Standard Specifications for Printing of Forms

- a. Five-eighths inch allowance at top for binding and minimum of one-eighth inch allowance on each side.
- b. Approval of state court administrator, at top left within one-half inch allowance "Approved, SCAO."
- c. Standard header across top of form will include:
 - 1) "State of Michigan" and court identification in two-and-one-quarter-inch box at top left.
 - 2) Form title in three-inch box at top center.
 - 3) Case number in two-and-one-quarter-inch box at top right.
- d. Form number, revision date, and title, respectively, commencing at bottom left.
- e. Applicable court rules or statutes at bottom, directly following the title.
- f. Distribution printed at top right. In addition, commercial publishing houses should print copy designation on each form at bottom center as applicable. Distribution is not applicable for most probate court forms.
- g. JIS Code printed at top right on all probate court forms, including those used in the juvenile division.
- h. Tumble printing for reverse side of forms.
- i. Color-coding to be determined by type of case (noted on printing specifications in forms handbook).
- j. Recommended print size of 8 point for caption, 11 point for narrative, and 11 point bold for titles.
- k. Spacing for typewriter entry of data.
- l. Fold marks printed on specific forms designed for use in standard window envelopes so appropriate address appears in window (optional).

2. Technical Design Criteria

- a. Paper no larger than eight-and-one-half inches by eleven inches, as required by MCR 1.109.
- b. Double typewriter spacing for all handwritten entries.
- c. Number style for date.
- d. Suggested maximum of five tab stops for typed entries to be designated across top (optional).
- e. Standard information after header placed in same location wherever possible.
- f. Number of each item as applicable.
- g. One-and-one-quarter to two-inch space at bottom of probate court forms for endorsement with date filed, title of form, and signature line for deputy probate register.
- h. Minimum use of capital letters, underlining, and italics.

3. Substantive Design Criteria

- a. Use of nontechnical English language wherever possible.
- b. Forms designed to be self-explanatory where possible. When extra instructions are necessary, the reverse side or a separate cover sheet will be included (minimal instructions also provided in the forms handbook).
- c. Use of a declaration when a jurat is not specifically required by statute or court rule. The following language may be used by the circuit and district courts: "I declare that the statements above are true to the best of my information, knowledge, and belief." (MCR 2.114) The following language may be used by the probate court (probate and juvenile divisions): "I declare under the penalties of perjury that this _____ has been examined by me and that its contents are true to the best of my information, knowledge, and belief." (MCR 5.114)
- d. Compliance with statutes and court rules.
- e. Design to achieve maximum efficiency and clarity in processing.
- f. Conformance with the approved printing and design criteria.

F. Managing Forms

The following suggestions may be of benefit to courts in managing forms if a "forms

division" is not in operation.

- a. Maintain updated files on the forms including indexing and inventory records.
- b. Establish procedures for ordering, stocking, and maintaining inventory of forms.
- c. Establish procedures for distributing forms and related correspondence to proper individuals/divisions within the court.
- d. Establish other policies and procedures that aid the court in managing both SCAO-approved forms and internally-developed forms.

Those courts with larger volumes of paper work will benefit more by managing forms than those with smaller volumes. However, all courts will benefit from procedures that ensure that the proper individuals or divisions are kept up-to-date on information relating to forms which is pertinent to their daily tasks.