



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: February 13, 2019

TO: Probate Judges  
Probate Registers  
Probate Court Administrators

FROM: Rebecca A. Schnelz, Forms and Resources Analyst

RE: Amended Case-Type Code for Probate Court and  
Caseload Reporting Change

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Modifications were made to case-type code ML effective January 1, 2018. The modifications, as listed below, include the removal of secret marriages and statutory demands/requests for notice from the case-type description. These changes affect caseload reporting and record retention.

#### Case-Type Code ML

Previous: All other matters filed with the probate court for judicial or administrative action including but not limited to: appeals, death by accident or disaster, filing of letters by foreign personal representative, kidney transplants, lost instruments, opening of safe deposit box, review of adoption subsidy, review of drain commission, review of mental health financial liability, secret marriage licenses, substance abuse treatment of minor, support of poor persons, and uniform gifts to minors act.

Current: All other matters filed with the probate court for judicial or administrative action including but not limited to: appeal of land owner on an assessment made by the county road commissioner or state highway commissioner under Chapter 247; appeal of a determination made by the department of treasury under the Michigan Estate Tax Act; appeal by an adoptee, the adoptee's guardian, or the adoptive parent or parents of a determination made by the department of health and human services under the Social Welfare Act; appeal of a determination made by the drain commission under the Drain Code of 1956; appeal of a redetermination of ability to pay for mental health services made under the mental health code; condemnation proceedings; death

by accident or disaster; filing of letters by foreign personal representative; kidney transplants; lost instruments; opening of safe deposit box; support of poor persons; and uniform transfers/gifts to minors acts.

### **Caseload Reporting Requirements**

For purposes of caseload reporting, secret marriages and statutory demands/requests for notice should no longer be reported under the ML case type and should not be entered onto the case management system as an ML case.

### **Record Retention**

For purposes of record retention, secret marriage files are subject to the Administrative and Fiscal Records Series, Item 14.314, of the Record Retention and Disposal Schedule. They are to be kept from the date of filing plus 100 years and then be destroyed. For all secret marriages already in the case management system, courts will need to determine a means of identifying them in some additional manner for purposes of record disposal.

Statutory demands/requests for notice are subject to the Case Records Series, Item 14.009, of the Record Retention and Disposal Schedule. They are to be kept from the date of filing plus 3 years then destroyed unless they are subsequently placed in an estate or guardianship file.

If you have questions, please contact Robin Eagleson at [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov) or 517-373-5542.