



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner  
Director

### MEMORANDUM

DATE: December 20, 2016

TO: All Judges  
Probate Registers  
County Clerks  
Circuit and District Court Administrators

FROM: Robin Eagleson, Management Analyst

RE: Amendments of Rules 3.925, 8.119, and 8.302 and Adoption of Rule 5.133 of the Michigan Court Rules

---

On May 25, 2016, the Michigan Supreme Court adopted [Administrative File No. 2016-06](#), which amends rules 3.925, 8.119, and 8.302 and adopts new rule 5.133 of the Michigan Court Rules (MCR). These amendments take effect January 1, 2017.

These amendments are part of the overall development of policies and procedures to standardize management of court records and provide a uniform basis for developing parameters when using technology to create, access, route, maintain, and dispose of court records.

The amendments to MCR 3.925 eliminate specific references to retention periods and clarify terminology. Removing retention periods from the rule facilitates revision of the record retention and disposal schedule as prescribed under MCL 399.5, MCL 600.1428, and MCR 8.119(K).

The adoption of MCR 5.133 allows a probate register to open a will filed for safekeeping pursuant to MCL 700.2515 if it remains unopened 100 years after the date it was filed with the court. Upon opening a will filed for safekeeping, the will is considered a will delivered after the death of the testator and shall be retained for the period prescribed in the records retention and disposal schedule.

The amendments to MCR 8.119 clarify the SCAO's role in developing records retention and disposal policies and procedures; require that all case history from January 1, 2017, forward must be maintained in an automated case management system; and anticipate the transition from paper

to electronic records. In addition, the definition of other case records in subrule (E) was expanded to include presentence reports, problem-solving court treatment files, and financial statements for collections.

The amendments to MCR 8.302 remove the specific requirement to microfilm or copy testamentary documents and other documents, and added language about safeguarding unsealed testamentary documents filed with the probate court in compliance generally with the Records Reproduction Act and Michigan Trial Court Case File Management Standards. This will facilitate the development of appropriate and practical standards and procedures for safeguarding testamentary documents.

If you have any questions, please contact Amy Byrd at 517-373-4864, Robin Eagleson at 517-373-5542, or Noah Bradow at 517-373-2451, or e-mail [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov).