



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: January 5, 2017

TO: Trial Court Judges  
Court Administrators  
County Clerks

FROM: Jim Inloes, Management Analyst

RE: Notice to Sureties of Defendant's Failure to Appear

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The State Court Administrative Office (SCAO) has created a new form, [MC 218a](#), to be used to notify a surety that a defendant has failed to appear for a court proceeding. This is not to be confused with [MC 218](#), which is the order revoking release and forfeiting bond, and the notice of intent to enter judgment. MC 218a must be served upon the surety in person or left at the surety's last known address within seven days after the defendant's failure to appear. This is a requirement under the statute [[MCL 765.28\(1\)](#)].

A recent Court of Appeals opinion, [In Re Forfeiture of Bail Bond \(People v Stanford\)](#), \_\_\_ MichApp \_\_\_ (2016) (No. 328784), and a 2014 Michigan Supreme Court Opinion, [In Re Bail Bond Forfeiture](#), 496 Mich 320 (2014), both reaffirm a court's requirement to provide notice to a surety within seven days of a defendant's failure to appear.

This statutory requirement is different than other notice requirements under the Michigan Court Rules. MCR 3.604(I)(2) requires the court to mail to the surety a notice of the hearing for entry of the judgment, and MCR 6.106(I)(2) requires the court to provide notice to the defendant and to anyone who posted bond, including a surety, of entry of an order revoking the release and declaring the bond forfeited. MC 218 fulfills both requirements. MC 218a, however, fulfills the requirement under MCL 765.28(1) to provide notice to a surety of a defendant's failure to appear within seven days. This allows the surety the opportunity to locate and apprehend the defendant as soon as possible for return to the court.

SCAO also issued [Administrative Memo 2017-01](#) to clarify the statutory notice requirement.

If you have questions about this process, please contact me at [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov) or 517-373-0122.