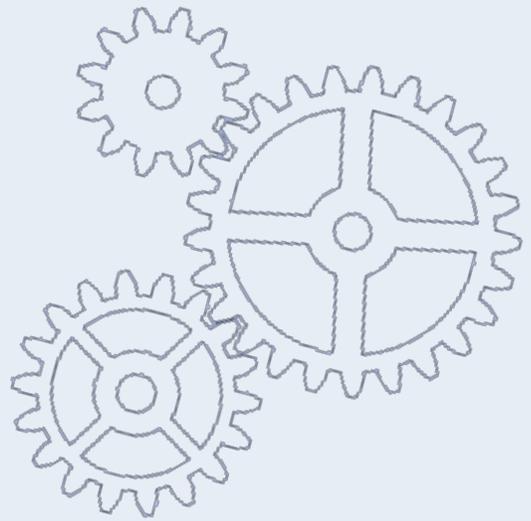


State Court Administrative Office  
Trial Court Services



# Template for Probate Court Records Disposal Plan (Case Records)



Revised  
December 2018

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## Introduction

This action plan provides action steps for disposing of probate case records that are eligible for disposal as of 2018 under Probate Court Record Retention and Disposal Schedule #14. Guidance for disposing of files is also included.

## Plan of Action

**1 – Prepare Files for Disposal:** Make arrangements with the Archives of Michigan (Archives) to review records eligible for transfer to Archives. Store these records in an area that will facilitate review by Archives. Place all case files that are not to be transferred to Archives in boxes suitable for transport to the facility that will be destroying those files. It may be necessary to transfer records into the type of boxes required by Archives, which is estimated to take 2.5 minutes per box. In addition, the court will need to prepare an Order to Dispose Court Records.

Determine the total feet of records potentially eligible for disposal in 2018 by calculating the average caseload per year divided by 72 (average number of files per foot). Multiply the result by the number of years being processed. Depending on whether records are already in suitable boxes for transfer to Archives or transport to a facility for disposal, one box would be necessary for each foot of records. The cost of boxes is about \$4.25 each. To calculate estimated hours for processing these records, divide the total number of feet being processed by the number of files that can be processed in 60 minutes. It may take between five and ten minutes to box 72 cases (from 432 to 864 cases per hour). The cost to sort and box cases is estimated at 10 to 15 minutes per box (from 432 to 648 cases per hour).

Ensure there are no open cases in the files that will be processed for disposal. To determine this, several reports should be generated from the case-management system listing all open cases with filing dates that precede the disposition and closed dates being processed for disposal. The court should ensure the listed cases are filed with the open cases.

**2 – Annual Disposal:** Conduct an annual disposal project. Determine the average number of annual feet of records created each year to determine the number of hours needed to process one year of cases for disposal. Also, determine needed storage space for paper records at full capacity and compare against the cost of maintaining digitized records.<sup>1</sup>

In consultation with the chief judge, determine if access to the probate register's office needs to be limited during the records disposal process. If so, discuss this with your regional administrator and prepare an appropriate notice and if necessary a local administrative order and submit it to the regional administrator for approval. There always must be provision made for emergency filings. After the local administrative order is issued, provide notice to the local bar association and local media, and post the notice at all court locations.

Starting in 2018, dispose of all closed estates and trusts filed in 1967; all guardianship, conservatorship, and protected individual cases filed in 1987; cases involving mental health

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<sup>1</sup> The cost to maintain 30,000 pages (15 feet of records) on paper onsite is approximately \$400 a year. Off-site storage for the same volume of records can be as little as \$60 a year. The same volume of records digitized is \$72 a year for storage and hosting fees plus the cost of scanning and periodic migrating, which is about \$2,500 per 30,000 pages. Before scanning old records, we recommend courts first conduct a cost estimate, including potential staff costs associated with retrieving records from off-site storage compared to the cost of maintaining these records in paper format onsite or in digitized format.

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Introduction and Plan of Action

proceedings where the latest disposition date is 2007; and all miscellaneous proceedings where the latest disposition date is 2007.

## **Assumptions for Processing Requirements**

To minimize processing requirements for disposal of case files, the following instructions rely on several assumptions:

- If a case was open when the automated case-management system was implemented or if a case was reopened after the case-management system was implemented, court staff would have entered case history into the automated case-management system and would not have continued to maintain case history in a docket book or similar medium.
- Manually created case history has been recorded by case-type groups. If not true, the case history recorded in docket books or other paper medium must be maintained for the retention period for estates and trusts. Although the adoption, acknowledgment of paternity, and name change records must be maintained for 100 years from date filed, the manually created case history can be transferred to Archives at the same time as the estates and trusts records because the case files still must be maintained for 100 years.
- Case history for child protective and juvenile delinquency cases that were under the jurisdiction of probate court before family division was created January 1, 1998, and that was not recorded in an automated case management system was not transferred to circuit court but was retained by the probate court.
- Adoption files created before 1996 are maintained separately from all other probate files.
- Case files for child protective and juvenile delinquency cases that were under the jurisdiction of probate court before family division was created January 1, 1998, and that were not open as of that date may have been retained by the probate court.
- Files are organized generally by case-type groups. If not, the court will have to determine whether to pull any case with a retention period over 50 years, such as delayed registration of birth (state and foreign), wills delivered after death of testator, acknowledgments of paternity, adoptions, name changes, and secret marriages. If it is not practical to separate these files from the rest of the files, a decision will have to be made as to how best to proceed.
- All closed estates filed before 1967 are eligible for disposal because: 1) they were unlikely to be open for more than one year, and 2) the latest file date of 1966, plus the maximum 1 year likely to be open, plus the 50-year retention period makes 2017 the last year these records would have to be maintained. Therefore, none of these records need to be reviewed to determine the actual closing date.
- Because trusts are no longer under the continuing jurisdiction of probate courts under the Estates and Protected Individuals Code (EPIC), the “closed” status that is entered in the case management system can be used as a trigger for determining when to transfer or destroy trust case files.
- If a court does not store cases by case type, any closed DD case with a filing date over 30 years can be destroyed even if the case has not been closed for 30 years. The assumption is the case is likely closed because of the death of the person.
- All closed guardianship (except DD), conservatorship, and protective order cases filed before 1968 are eligible for disposal. If the case was for a minor, regardless when the case was closed, any minor would have reached age 18 by 1986 and the 30-year retention period occurred in 2016. All other cases would have involved adults for which the legal, fiscal, and administrative value of the records may not be needed 30 years after the closed date. Any cases with a filing date that had been closed after the court implemented a

## Probate Court Records Disposal Plan Assumptions and Recommended Action Steps

case-management system could be determined by generating a report. This report could be used to assess which of these cases should be pulled for longer retention.

- All guardianship, conservatorship, and protective order cases filed after 1967 and closed before 1988 could be eligible for disposal, but there is no means to determine this until the year after the court started using an automated case-management system. Therefore, the court will have to open each case to determine the actual closed date and reorganize the files by closed date. If the court does not have the resources to conduct this type of review and reorganization of files, the most cost-effective solution may be to observe the same assumption as above.

### **Recommended Action Steps**

#### **Docket Books or Other Medium for Case History (Register of Actions)**

Maintain all manually-created case history until 50 years from the date of the last entry in a particular docket book or other medium regardless whether the related case files have already been disposed. This includes case history for child protective and juvenile delinquency cases under the jurisdiction of the probate court before family division was created January 1, 1998 and that were closed as of that date. If the case history for child protective and juvenile delinquency cases is maintained separately from other probate records, it may be disposed January 1, 2020; if not, there is no need to separate this case history for purposes of disposal under the circuit court retention schedule.

If manually-created case history for adoption, acknowledgment of paternity, and name change cases under the jurisdiction of the probate court before family division was created January 1, 1998 was not recorded separately from other probate cases, the case history may still be transferred to Archives provided the court has an index or other means for locating these case files (paper or microfilm), which must be maintained by the court for 100 years.

Make arrangements with Archives to transfer case history when it becomes eligible for transfer.

#### **Microfilmed Records**

If the date range of closed cases is identified for each roll of microfilm, maintain each roll until 50 years from the latest closed date filmed on that particular roll and transfer to Archives, unless the roll contains case files that must be maintained for 100 years. If the date range is not identified, then maintain any roll created before January 1, 2018 until 2068, unless the roll contains case files that must be maintained for 100 years.

#### **Child Protective and Juvenile Delinquency Case Files**

Case files that were closed before January 1, 1998, (jurisdiction terminated) and that were not transferred to the circuit court are to be disposed in accordance with the circuit court retention and disposal schedule. All closed child protective and juvenile delinquency files are eligible for disposal January 1, 2020.

Probate Court Records Disposal Plan  
Assumptions and Recommended Action Steps

**For all cases filed before January 1, 2008:**

Complete the following steps.

Step 1: Pull and box for transfer/destruction all estate, trust, conservatorship, guardianship, protected individual, mental health, judicial admission, and miscellaneous proceedings cases filed from the first year through December 31, 1966. Box estate, trust, and miscellaneous proceedings cases together for transfer to Archives and box mental health, judicial admission, conservatorship, guardianship, and protected individual together for destruction.

Step 2: Pull and box for transfer all disposed ML cases filed from 1967 through December 31, 2007.

Step 3: Pull and box for destruction all disposed MI cases filed from 1967 through December 31, 2007.

Step 4: For the cases processed in Step 1 prepare an Order to Dispose Court Records as follows:

- Enter the Record Series' Numbers as '14.001, 14.005, 14.006, 14.007.'
- Enter the Record Series' Description as 'Estate, Trust, Conservatorship, Guardianship, Protected Individual, Mental Health, and Miscellaneous Proceedings.'
- Enter the Inclusive Dates of the records for every year that cases were filed in the court through 1966. If there are 116 years of records, there will be 116 lines as follows:
  - "[date of first year in which cases were filed in the court], Case numbers [first case number] through [last case number]
  - . . . (continued until last year)
  - "1966 [date of last year for this group], Case numbers [first case number] through [last case number]

For the remaining MI and ML records processed in Steps 2 and 3, prepare another Order to Dispose Court Records as follows:

- Enter the Record Series' Numbers as '14.005 and 14.007.'
- Enter the Record Series' Description as 'Mental Health Proceedings and Miscellaneous Proceedings.'
- Enter the Inclusive Dates of the records for every year that cases were filed in the court from 1967 through 2007. There should be 41 lines, one for each year, as follows:
  - "1967, Case numbers [first case number] through [last case number]
  - . . . (continued until last year)
  - "2007 [date of last year for this group], Case numbers [first case number] through [last case number]
- Contact Archives to make arrangements to cull through files for transfer. Attach documentation from Archives identifying all records to be transferred.
- Present each Order to Dispose Court Records and any attached documentation from Archives to the chief judge for signature.

Probate Court Records Disposal Plan  
Assumptions and Recommended Action Steps

- After chief judge signs each order, contact Archives to make arrangements to transfer designated records.
- After Archives has taken designated records, make arrangements to properly destroy remaining records.
- Complete the Certificate of Records Disposal after disposing of all records on each Order.
- Maintain each Certificate of Records Disposal according to the retention schedule.

**For All Remaining Estate, Trust, Conservatorship, Guardianship, and Protected Individual Cases Filed From 1967 through 2017:**

Starting in 2018 or 2019, dispose of all remaining closed estate, trust, guardianship, protected individual cases filed from January 1, 1967 through December 31, 2017, one year at a time, following the above processing steps, except the court should take the time to pull and box the case files by case type to facilitate future review by Archives. Thus, in January, 2018 dispose case files with a filed date of 1967; in January 2019 dispose case files with a filed date of 1968, etc. Continue the above steps each year thereafter until all cases filed through 2017 have been processed (2068).

## Guidelines for Disposal of Records

Unless required to be transferred to Archives, a court record is disposed by physically destroying the entire record (paper, microfilm, electronic, etc.) in accordance with records standards established by the State Court Administrative Office (SCAO).

Records scheduled to be disposed must be properly recorded in an Order to Dispose Court Records (see Appendix A). At a minimum, it must include the item # (record series from the record retention and disposal schedule), the record series description, the date range of the records, the volume, and the disposal method. The order to dispose records must be signed by the chief judge in accordance with MCR 8.119(K). The original signed order must be maintained permanently by the court administrator for the court. A copy must be maintained permanently by the clerk of the court.

1. Make arrangements for physical destruction of all boxes eligible for destruction.
2. Make arrangements with Archives to review records for possible transfer to the Archives of Michigan.

Archives of Michigan  
702 West Kalamazoo Street  
Lansing, Michigan 48915  
517-373-1408, 517-373-1415, or 517-449-5885  
Fax: 517-241-1658  
E-Mail: [archives@michigan.gov](mailto:archives@michigan.gov)  
<http://www.michigan.gov/archivesofmi>

3. Dispose of paper records not transferred to Archives by shredding, burning, or pulverizing. Whatever the method of disposal, the clerk of court must ensure and certify that disposal was done in a satisfactory and complete manner.

### Other Resources:

Michigan Department of Technology, Management and Budget  
Records Management Services  
P.O. Box 30026  
3400 North Grand River Avenue  
Lansing, MI 48909  
517-335-9132

Records Management Services administers a master contract with a vendor that complies with the state's requirements for confidential destruction of records. You can contact the vendor at:

Certified Document Destruction  
300 West Chestnut Street  
Wauseon, OH 43567  
800-433-7876  
<http://cddinc.com/>

## **Best Practices Recommended for Implementation in 2018**

1. Organize files by case-type groups. Except for MI and ML cases, consider maintaining closed cases by year closed until the court has an electronic document-management system.
  - Estates, trusts, guardianships, conservatorships, and protective orders by date closed.
  - Mental health proceedings and miscellaneous proceedings by date filed.
  - Family division cases by date filed.

### **Definition of Closed Case**

- Estates: when a closing statement or certificate of completion is filed, when an order for complete estate settlement is entered, or when the case is otherwise closed pursuant to statute or court rule.
  - Conservatorship, Guardianship, and Protective Orders: when the guardianship or conservatorship is terminated, the ward dies, the minor reaches 18, or the case is otherwise closed pursuant to statute or court rule, whichever occurs first.
2. Enter all essential case history fields (e.g., register of actions) into the case-management system for all files so that records disposal inventories can be generated based on the criteria for disposal (e.g., date filed, date disposed, date closed, date of birth, etc.).
  3. If available, generate record disposal inventories from the case-management system annually at the end of the year to determine cases eligible for disposal.
  6. Pull cases eligible for disposal and process according to standards.
  7. Maintain the Order to Dispose Court Records and associated documentation permanently in accordance with SCAO policy and standards.

Probate Court Records Disposal Plan  
 Appendix A: Order to Dispose Court Records

Approved, SCAO

Original - Court administrator  
 Copy - Clerk of the court

**STATE OF MICHIGAN  
 JUDICIAL DISTRICT  
 JUDICIAL CIRCUIT  
 COUNTY PROBATE**

**ORDER TO DISPOSE COURT RECORDS**

Court address

Court telephone no.

**CERTIFICATE OF RECORDS ASSESSMENT BY ARCHIVES OF MICHIGAN**

**Circuit and Probate Courts Only:** Contact Archives of Michigan to conduct an assessment of the relevant records before continuing with the records disposal process. Attach documentation from Archives identifying all records to be transferred.

I certify that the records listed in the attached inventory were assessed by the Archives of Michigan for historical value and that arrangements have been made to transfer those records identified by the Archives of Michigan upon order of the court.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Title

\_\_\_\_\_ Name (type or print)

**IT IS ORDERED:** In accordance with MCR 8.119(K) and the state-approved Michigan trial court records retention and disposal schedule, the following court records shall be disposed of within 60 days of this order by the method(s) identified for those records. Electronic records shall be destroyed in accordance with US DoD 5015.2 standards.

For each record series to be disposed, complete the following summary information.

<b>Record Series Number</b>	<b>Record Series Description</b>	<b>Inclusive Dates</b>	<b>Disposal Volume</b> Cubic/Linear Feet or Number of Electronic Files	<b>Disposal Method</b> Transfer, Pulverizing, Shredding, Burning, Breaking, Swiping, Overwriting, Degaussing

\_\_\_\_\_ Date

\_\_\_\_\_ Chief judge

\_\_\_\_\_ Bar no.

**Directions for records disposal:**

1. Dispose of the approved records by the methods and within the time frame ordered above.
2. Date and sign this Certificate and return the completed form to the court administrator.
3. Keep a copy in the office of the clerk of the court.

**CERTIFICATE OF RECORDS DISPOSAL:** I certify that the records listed above were disposed of as ordered.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Title

\_\_\_\_\_ Name (type or print)

## **Section 4: Disposal of Records**

### **4.1. Disposal Process**

#### **4.1.1. Annual Processing and Planning**

(previously labeled Component 36 of the Michigan Trial Court Case File Management Standards)

The court should annually dispose of eligible records as prescribed by the records retention and disposal schedule. The clerk should conduct an annual review of case files and other case records defined in MCR 8.119(D) and (E) to determine cases eligible for disposal and comply with the requirements in Section 4.3.

As defined in MCR 8.119(F) and (G), administrative and fiscal records and court recordings and related records may be maintained by someone other than the clerk of the court. In these situations, the court administrator is responsible for ensuring the relevant records are disposed in accordance with these standards and guidelines. When practical, the disposal of these records should be done in conjunction with disposal of the case records maintained by the clerk of the court.

To help courts determine cases eligible for disposal and facilitate the disposal of case records, action steps are available by specific case-type group. Upon request by a court, the State Court Administrative Office (SCAO) will prepare a court-specific disposal plan.

#### **4.1.2. Planning and Processing Guidelines**

##### Phase 1 - Identify Records for Disposal and Determine Resource Needs:

- 1) Thirty to sixty days before disposing of records, conduct a staff meeting to select a project leader who will be responsible for responding to questions and assuring consistency in the records-disposal effort. Contact SCAO if the court wants a disposal plan prepared.
- 2) At least thirty days before the date of the disposal effort, identify the inactive records potentially eligible to be disposed. Courts must comply with the requirements in Section 4.3 when identifying and processing case records for destruction or transfer.

For many courts (even those with electronic case files maintained in a digital imaging system), the process for identifying and disposing of case files (whether paper, microfilm, or digital) will be performed manually until such time as courts have integrated electronic document-management and case-management systems with functionality that makes it possible to identify and remove case history data from the case-management system and digital images from the electronic document-management system (EDMS) through automated processes.

- 3) Determine the staffing requirements for the project. The time will vary depending on the case-type group, the years to be processed, the detail recorded in the case

Probate Court Disposal Plan  
Appendix B: General Preparations for a Disposal Project

history of certain case-type groups, and the extent to which the court has already separated records with differing retention periods from the case files of certain case-type groups.

- 4) In consultation with the chief judge, determine if access to the clerk's office needs to be limited during the records disposal process. If so, discuss this with your regional administrator and prepare an appropriate notice and if necessary a local administrative order and submit it to the regional administrator for approval. There always must be provision made for emergency filings. After the local administrative order is issued, provide notice to the local bar association and local media, and post the notice at all court locations.
- 5) Identify and secure a work area to be used during the disposal process. Arrange for equipment such as hand carts for moving file boxes, additional staff, and storage for paper files during the effort. Establish work stations according to case-type groups and arrange staff into work teams, making sure that clerks who are familiar with each case type are assigned to the team. If using resources other than staff familiar with the case files, show examples of the types of documents that are required to be maintained and how the disposal process is to be accomplished.
- 6) Make arrangements for disposing of the records in accordance with the method identified in the Order to Dispose Court Records, including the need for personnel to physically destroy the records and contracting with any companies that provide these services.

Phase 2 - Process Records for Disposal:

- 1) Generate the report of missing essential fields and the inventory of cases ineligible for disposal, if available. Inspect the case history (whether in docket books or journals or in the case management system) of all cases identified in Phase 1 to verify that the cases meet the required retention period (as prescribed by the Retention Schedule) and contain the required information. This step is necessary to ensure cases have no pending actions, such as hearings without results, active warrants, active cash bonds, and current driver's license suspensions. If any of these conditions exist in a case, the case does not meet the conditions necessary for disposal.

Certain civil case files that have met their retention periods can be disposed even if there are pending postjudgment actions in the case. For example, if an objection to garnishment has been filed in a civil case and a hearing has been scheduled, but the case is otherwise eligible for destruction, the case file can be destroyed at the court's discretion.

- 2) As necessary, correct or update the case history in accordance with the requirements in Section 4.3. This may include retrieving case files and reviewing documents for relevant information.

## Probate Court Disposal Plan

### Appendix B: General Preparations for a Disposal Project

- 3) Process all cases eligible for disposal according to the criteria in Section 4.3. This includes pulling and setting aside for refileing any case files ineligible for disposal as identified in step 1 above, pulling any necessary documents from case files, updating the case management system, and boxing (or otherwise preparing) records for transfer or destruction.
- 4) Prepare the **Order to Dispose Court Records**. See Appendix B. For each item # (record series), include the record series description, the date range of the records, the volume, and the disposal method for that record series. Attach to the order any inventory of records ineligible for disposal. The chief judge must sign the order as required by MCR 8.119(K).
- 5) Contact Archives when required. The Archives of Michigan has responsibility for preserving and providing access to court records that have been determined to possess historical significance to the state of Michigan. These records are identified as such on the retention schedule.

Make arrangements with Archives to review and transfer records according to the requirements in Section 4.3. See Phase 3 for further details. The State Archivist or his/her representative must sign the Certificate of Records Assessment portion of the order before proceeding to Phase 3.

When records are accepted for transfer, if the transferring court has used or is using something other than the case-type codes described currently or historically in MCR 8.117, the court must provide a key to Archives that indicates which court case-type code corresponds to the case-type code provided under MCR 8.117.

- 6) If your court has cases of special significance that are not in a record series already designated by Archives as having historical relevance, contact Archives to review them.

#### Phase 3 - Destruction and Transfer:

- 1) Separate materials that must be retained or transferred from those to be destroyed.
- 2) If the case history must be retained longer than the case file and it is a part of the file jacket, make sure the case file number is entered on the jacket before separating the contents. Remove from the case file any documents that must be retained longer than the rest of the case file. These documents are identified separately in the retention schedule.
- 3) Optional. For certain cases where the indices and register of actions (case history) are maintained longer than the case file, enter into the case management system, as appropriate, the event “Case File Transferred per Retention Schedule” or “Case File Destroyed per Retention Schedule” and the date the file was transferred or destroyed. This option applies only to cases already entered into the case-

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management system. These entries should display as part of the automated case history, including in the numerical and alphabetical case search described in MCR 8.119(D)(1). In addition to these entries, when case files are maintained on microfilm or microfiche, delete from the case management system all cross-references to the images.

For some case types, the entire record is to be transferred/destroyed when the retention period has been met. This means the case history (indices and register of actions) must be transferred/destroyed at the same time the case file is transferred/destroyed except: (a) for cases that are not on the case management system, or (b) when case files are maintained on microfilm or microfiche only.

- 4) Dispose of the records in accordance with Section 4.3. Disposal methods include transferring, shredding, burning, breaking, swiping, or degaussing. As certified by the Archives of Michigan in Phase 2, records separated for transfer to the Archives of Michigan should be prepared for transmittal. Courts must complete the “Direct Records Transmittal” form (MH 85). See [http://michigan.gov/dmb/0,4568,7-150-9141\\_21738-113205--,00.html](http://michigan.gov/dmb/0,4568,7-150-9141_21738-113205--,00.html) for details. Contact the Archives of Michigan at 517-373-1415 to make arrangements for physical transfer of the records.
- 5) Whatever the method of disposal, the clerk of court must ensure and certify on the Order to Dispose Court Records (described in Phase 2, item 4) that disposal has been done in a satisfactory and complete manner.
- 6) The original signed order must be maintained permanently by the court administrator for the court and a copy must be maintained permanently by the clerk of the court.
- 7) Schedule and make any needed alterations to current storage areas while they are empty.

## **4.2. Case History Data**

### **4.2.1. Paper, Digital Image, or Microfilm/Microfiche**

Case history data (register of actions and numerical and alphabetical indices) originally recorded on paper and that has not subsequently been entered into the court’s automated case management system must be maintained in its entirety until the retention period has been met. This includes reproductions of the records to digital image or microfilm or microfiche. If a court cannot easily separate or maintain case history data from the case file, or if the case history data was not recorded in the form of a register of actions or in a docket book, the entire case file must be kept in its entirety until the retention period has been met. When transfer to the Archives of Michigan is the method of disposal, case history must be transferred; the court does not have an option to retain the records. See Appendix C for detailed action steps for each case type group.

#### **4.2.2. Electronic Data**

Case history data that is maintained in a court's automated case management system must be disposed (transferred or destroyed/purged) in accordance with the Retention Schedule, subject to the additional direction by the State Court Administrative Office. When transfer to the Archives of Michigan is the method of disposal, case history must be transferred; the court does not have an option to retain the records.

At the direction of the State Court Administrative Office, the case management system provider shall program a purge routine, to be initiated by each court, to either transfer or remove case history in accordance with the retention schedule.

### **4.3. Case Files and Documents**

#### **4.3.1. Paper or Digital Image**

Case files maintained on paper or as digital images should be disposed when the retention periods have been met. When transfer to the Archives of Michigan is the method of disposal, case files must be transferred; the court does not have an option to retain the records, including duplicates. Disposal must be done in accordance with the process outlined in Section 4.1.

#### **4.3.2. Microfilm/Microfiche**

Case files maintained on microfilm and microfiche must be disposed when the longest retention period for the cases on that roll or sheet has been met. When transfer to the Archives of Michigan is the method of disposal, case files must be transferred; the court does not have an option to retain the records. Disposal must be done in accordance with the process outlined in Section 4.1.

#### **4.3.3. Disposal of Discovery Materials from Case Files**

Even when discovery materials have been filed with the court, file-stamped, and placed in a case file as authorized, those materials may be removed and destroyed from files in accordance with MCR 2.316 and are, therefore, not subject to the retention periods in the retention schedule.

#### **4.3.4. Disposal Criteria**

Courts must identify and process case records for destruction or transfer based on standard case-type groups and disposal criteria. The case-type groups have been established to assist courts to identify and process case records in accordance with specific retention periods. Each case-type group has specific disposal criteria associated with it that must be used to determine cases eligible for disposal. As most case management systems should have already converted obsolete case type codes, only a few obsolete codes are included in the case-type groups. See Appendix C.

## Probate Court Disposal Plan

### Appendix B: General Preparations for a Disposal Project

Disposal criteria shall be used by a case management system provider to program the means for a court to generate both an essential-fields exception report and an inventory of records ineligible for disposal. The essential-fields exception report is used to identify cases potentially eligible for disposal that have an incomplete case history (register of actions). The report must be generated and used in conjunction with every records disposal project involving cases entered in the case management system. The inventory is used to facilitate separation of case files ineligible for disposal for the dates being processed and may be attached to the Order to Dispose Court Records.

**Essential Data Fields for Reporting and Long-Term Retention**

The following essential data fields, by relevant specific case-type group, are required for reporting requirements and long-term retention of case history. Data fields associated with the identity of the court, such as court name, court number, and ORI number, are not included. Keys to the essential data fields are: **R** = Reporting **L** = Long-term Retention

<b>Case-Type Group T: Estate and Trust Proceedings and Trust Registration</b> (DA, DE, DH, IE, PE, SE, TI, TR, TT, TV)	
<b>R</b>	1) Case number
	2) Case name
<b>R</b>	3) Date of filing, date inactive/stay, and any reopened date
<b>R</b>	4) Events that reopen the case for caseload reporting (petition to reopen filed after personal representative discharged and estate closed, petition filed requesting appointment of fiduciary when previous petition did not, amended petition for assignment in small estate, activity that reactivates an administratively closed estate)
<b>R</b>	5) Assigned judge, judge at adjudication, and judge at disposition
<b>R</b>	6) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
<b>R</b>	7) Manner of adjudication/disposition (granted, denied, transferred, withdrawn/dismissed, etc.)
<b>R</b>	8) Estate supervised during the year (based on order of court)
<b>R</b>	9) Date closed
<b>R</b>	10) Manner closed (administrative, certificate of completion, or otherwise)
<b>Case-Type Group U: Conservatorship, Guardianship, and Protected Individual Proceedings</b> (CA, CV, CY, DD, GA, GD, GL, GM, LG, PO)	
<b>R</b>	1) Case number
	2) Case name
<b>R</b>	3) Date of filing
<b>R</b>	4) Assigned judge, judge at adjudication, and judge at disposition
<b>R</b>	5) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
<b>R</b>	6) Manner of adjudication/disposition (granted, denied, transferred, withdrawn/dismissed, etc.)
<b>R</b>	7) Date closed
<b>R</b>	8) Manner closed (administrative, terminated, death, age of majority, etc.)

Probate Court Disposal Plan  
Appendix C: Case-Type Groups and Required Data Fields

<b>Case-Type Group V: Mental Health Code Proceedings (JA, MI)</b>	
<b>R</b>	1) Case number
	2) Case name
<b>R</b>	3) Date of filing, any reopened date
<b>R</b>	4) Events that reopen the case for caseload reporting (petition to reopen filed after personal representative discharged and estate closed, petition filed requesting appointment of fiduciary when previous petition did not, amended petition for assignment in small estate, activity that reactivates an administratively closed estate)
<b>R</b>	5) Assigned judge, judge at adjudication, and judge at disposition
<b>R</b>	6) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
<b>R</b>	7) Manner of adjudication/disposition (granted, denied, transferred, deferred, withdrawn/dismissed, etc.)
<b>R</b>	8) Dates and events for petitions for second orders and continuing orders, and supplemental petitions
<b>Case-Type Group W: Delayed Registration of Birth (BR)</b>	
<b>R</b>	1) Case number
	2) Case name
<b>R</b>	3) Date of filing
<b>R</b>	4) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
<b>R</b>	5) Manner of adjudication/disposition (granted, denied)
<b>Case-Type Group X: Miscellaneous Proceedings (ML)</b>	
<b>R</b>	1) Case number
	2) Case name
<b>R</b>	3) Date of filing
<b>R</b>	4) Assigned judge, judge at adjudication, and judge at disposition
<b>R</b>	5) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
<b>R</b>	6) Manner of adjudication/disposition (granted, denied, transferred, withdrawn/dismissed)
<b>Case-Type Group Y: Civil (CZ)</b>	
<b>R L</b>	1) Case number
<b>L</b>	2) Party names
<b>R L</b>	3) Date of filing, date inactive/stayed, and any reopened date
<b>R</b>	4) Events that reopen the case for caseload reporting (remand or return; order staying case is set aside; reinstatement after dismissal; termination of bankruptcy filed; default, judgment, or settlement agreement set aside)
<b>R</b>	5) Assigned judge, judge at adjudication, and judge at disposition
<b>L</b>	6) Each creditor (when applicable)
<b>L</b>	7) Each debtor (when applicable)

Probate Court Disposal Plan

Appendix C: Case-Type Groups and Required Data Fields

<b>R</b>	8) Judgment date (CLOSED code used for caseload reporting purposes, based on type of order entered)
<b>Case-Type Group Z: Obsolete Records</b> (AP, AT, BX)	
	1) Case number 2) Case name 3) Date of filing 4) Date of adjudication/disposition 5) Manner of adjudication/disposition (CLOSED code so it doesn't show up in caseload)