

**Circuit Court Fee and Assessments Table
January 2011**

CIVIL FEES					
Fee or Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable¹	Distribution
Civil Filing Fee	600.2529(1)(a)	Required ²	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Petition for Adoption	600.2529(1)(a)	Required	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Petition for Name Change	600.2529(1)(a)	Required	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Petition for Emancipation	600.2529(1)(a)	Required	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Ancillary Conservatorship or Ancillary Guardianship (filing fee)	600.1027(1)	Required ⁴	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Appeals to Circuit Court	600.2529(1)(b)	Required ⁵	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Appeals from Circuit Court	600.2529(1)(g)	Required	\$25	Yes ³	Funding Unit
Jury Demand Fee	600.2529(1)(c)	Required	\$85	Yes ³	\$60 Funding Unit \$25 Juror Comp. Reimb. Fund
Motion Fee	600.2529(1)(e)	Required ⁶	\$20	Yes ³	\$10 Funding Unit \$10 State Court Fund
Writ of Garnishment, Attachment, Execution, or Judgment Debtor Discovery Subpoena	600.2529(1)(h)	Required	\$15	Yes ³	Funding Unit

¹ Waivable for civil fees means waived or suspended pursuant to statute or court rule. For criminal cases, waivable means dischargeable or jail or community service may be served in lieu of payment.

² MCR 3.214(D) states that there is no fee for registering (only) a foreign custody determination under MCL 722.1304. The fee applies to all other new UCCJEA actions. MCL 552.1322(1) prohibits charging a UIFSA petitioner filing fees or other costs.

³ Fees can be waived or suspended pursuant to MCL 600.2529(5) or MCR 2.002.

⁴ Attorney General, Department of Treasury, Department of Human Services, State Public Administrator, or Administrator of Veterans Affairs of the United States Veterans Administration, or an agency of county government are all exempt. MCL 600.1027(2).

⁵ Not required for appeals from the Michigan Employment Security Board of Review. MCL 421.31

⁶ In conjunction with an action brought under MCL 600.2950 or 600.2950a, a motion fee shall not be collected for a motion to dismiss the petition, a motion to modify, rescind, or terminate a personal protection order, or a motion to show cause for a violation of a personal protection order. A motion fee shall not be collected for a motion to dismiss a proceeding to enforce a foreign protection order or a motion to show cause for a violation of a foreign protection order under MCL 600.2950h to 600.2950m. A motion fee shall not be collected for a request for a hearing to contest income withholding under section 7 of the Support and Parenting Time Enforcement Act. MCL 600.2529(e).

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FRIEND OF THE COURT RELATED FEES					
Fee or Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable	Distribution
Judgment and Order Entry Fee in an action in which custody or parenting time of minor children is determined	600.2529(1)(d)(i)	Required	\$80	Yes ⁷	Friend of the Court Fund
Judgment and Order Entry Fee in an action in which support of minor children is determined	600.2529(1)(d)(ii)	Required ⁸	\$40	Yes ⁷	Friend of the Court Fund
Order of Filiation Fee	722.717(4) 333.2891(9)(a)	Required	\$49	No	\$9 Funding Unit \$40 Department of Community Health
Friend of the Court Service Fee ⁹ (non-IV-D services)	600.2538(1)	Required	\$3.50 per month ¹⁰	No	\$2.25 Funding Unit \$1.00 State Court Fund \$0.25 Attorney General's Operations Fund
Bench Warrant Costs - Support	552.631(3)	Required, except for good cause shown on record	Costs of hearing, issuance of warrant, arrest, and any later hearings	Yes	50% Friend of the Court Fund 50% County Treasurer for Law Enforcement Agency
Bench Warrant Costs – Parenting time violations	552.644(5)	Required, except for good cause shown on record	Costs of hearing, issuance of warrant, arrest, and any later hearings	No ¹¹	50% Friend of the Court Fund 50% County Treasurer for Law Enforcement Agency
Fines – Contempt in support proceedings	552.633(1)(g) 552.635(2)(d)	Discretionary	\$100 maximum	Yes	Friend of the Court Fund

⁷ Can be waived or suspended pursuant to MCL 600.2529(6) and MCR 2.002. If the person filing an action under subsection (1)(d) is a public officer acting in his or her official capacity, if the order is submitted with the initial filing as a consent order, or other good cause is shown, the court shall order the fee under subsection (1)(d) waived or suspended.

⁸ This fee does not apply if Judgment and Order Entry Fee for custody or parenting time is collected.

⁹ FOC service fees are collected and distributed by the state MISDU.

¹⁰ Payable monthly, quarterly, or semiannually as required by the friend of the court.

¹¹ Costs ordered under subsection (5) is a judgment at the time the order is entered. MCL 552.644(7).

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Fines – Contempt for parenting time violations	552.644(2)(d)	Discretionary	\$100 maximum	No ¹²	County Treasurer for Libraries
Sanction – Parenting time disputes (against party acting in bad faith)	552.644(6)	Required	\$250 max for 1 st time \$500 max for 2 nd time \$1000 max for subsequent times	No ¹³	Friend of the Court Fund
Driver License Clearance Fee (FOC suspensions)	257.321c(3)(b)	Required	\$45	No	\$15 Secretary of State \$30 Friend of the Court Fund

¹² A fine ordered under subsection (2) is a judgment at the time the order is entered. MCL 552.644(7).

¹³ A sanction ordered under subsection (6) is a judgment at the time the order is entered. MCL 552.644(7).

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CRIMINAL ASSESSMENTS					
Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable	Distribution
Fines	Underlying statute of the offense 750.503 750.504 769.1k(1)(b)(i) 769.3 769.34(6) 771.3(2)(b)	Only when expressly authorized ¹⁴ and/or as reflected in underlying statute of the offense	As reflected in underlying statute of the offense When not fixed by statute: \$500 maximum for misdemeanor \$5000 maximum for felony	No if required, otherwise yes	County Treasurer for Libraries
Costs	769.1k(1)(b)(ii) 769.3 769.34(6) 771.3(2)(c)	Discretionary	Costs are limited to expenses specifically incurred in prosecuting the defendant, ¹⁵ providing legal assistance to the defendant, and supervising the probationer	Yes	Funding Unit
Attorney Fees	MCR 6.005(C) 769.1k(1)(b)(iii)	Discretionary		Yes	Funding Unit
Minimum State Cost	769.1j(1) 769.1k(1)(a) 771.3(1)(g)	Required if two other assessments are ordered	Minimum amounts assessed per count, based upon conviction: \$48 – misdemeanor \$53 – serious or specified misdemeanor \$68 – felony	No ¹⁶	Justice System Fund
Crime Victim's Rights Assessment	771.3(1)(f) 780.905	Required if original offense charged is a felony or serious or specified misdemeanor	One assessment per case, based upon original charge: \$75 – serious or specified misdemeanor charge \$130 – felony charge	No	90% Crime Victim's Rights Fund 10% Funding Unit

¹⁴ *People v Watts*, 133 Mich App 80, 84 (1984) and *People v Krieger*, 202 Mich App 245, 257 (1993).

¹⁵ Costs must bear some direct relation to actual costs incurred in prosecution, and cannot include the costs of the day-to-day functions of the prosecutor, law enforcement, or other governmental unit, even if the functions resulted in arrest and prosecution. *People v Barber*, 14 Mich App 395 (1968), *Saginaw Public Libraries v Judges of the 70th District Court*, 118 Mich App 379 (1982), *People v Teasdale*, 335 Mich 1 (1952).

¹⁶ A probationer not in willful default of payment may petition the court for remission of any unpaid portion of minimum state cost, pursuant to MCL 771.3(6)(b).

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CRIMINAL ASSESSMENTS					
Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable	Distribution
Restitution	750.543x 769.1a(2) 769.3 769.34(6) 771.3(1)(e) 780.766(2) 780.826(2)	Required	Required to order <u>each</u> defendant to make full restitution. Since <u>each</u> defendant is required to pay full restitution but should not pay more than the full amount of restitution, the defendants are jointly and severally liable for the entire restitution amount.	No	Victim or Crime Victim's Rights Fund if victim cannot be located or refuses to claim restitution ¹⁷
Reimbursement	750.543x 769.1f 769.1k(1)(b)(v)	Discretionary for specific offenses listed in MCL 769.1f	Reimbursement limited to expenses identified in MCL 769.1f	No	Unit(s) of government named in the order
Driver License Clearance Fee	257.321a	Required	\$45	No	\$15 Secretary of State \$15 Juror Compensation Reimbursement Fund \$15 Funding Unit
20% Late Penalty	600.4803(1)	Required	20% of amount owed, excluding restitution; assessed 56 days after due date	Yes	Funding Unit
Costs to Compel Appearance	769.1k(2)	Discretionary		Yes	Funding Unit
NSF Check Costs	MCR 8.106(E)	Discretionary		Yes	Funding Unit

NOTE: Courts can only assess what is authorized by statute. There is no authority for a court to impose any costs on a criminal defendant if he or she is not convicted of a crime unless otherwise provided by statute.

¹⁷ Restitution disbursements to victims should be made at least once a month. If a person entitled to receive restitution that the court has collected cannot be located, refuses to claim it from the court within two years of being eligible to do so, or refuses to accept the restitution, the court must remit the unclaimed amount to the Crime Victim's Rights Fund on its monthly transmittal to the state.