

# Trial Court Performance Bond Requirements

(1/16)

COURT	POSITION TITLE	BLANKET OR INDIVIDUAL	AMOUNT	FOR BENEFIT OF OR GIVEN TO	APPROVED BY	FILED WITH	CITATION
District	Magistrate	Individual (See Note 5, following)	\$50,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	County Treasurer and Chief Judge	MCL 600.8507, MCR 8.204
District	Clerk or Deputy Clerk	Blanket or Individual	\$50,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	Chief Judge	MCR 8.204
District	Process Server - MCR 2.103(A) Appointed by court	Blanket or Individual	\$10,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	Chief Judge	MCR 8.204
District	Process Server - MCR 3.106 (B)(1)(a) Appointed by court	Independent Contractor: Individual	\$50,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	Chief Judge	MCR 8.204
		Court Employee: Blanket or Individual					
Probate	Probate Register	Individual	\$1,000	Chief Judge	Chief Judge	County Clerk	MCL 600.833
Circuit	Circuit Court Clerk (County Clerk)	Blanket or Individual determined by Board of Commissioner	\$2,000	People of State of Michigan	Chief Judge	County Treasurer	MCL 50.61
Circuit	Friend of the Court	See item 8 of the notes	See item 8 of the notes	See item 8 of the notes	See item 8 of the notes	See item 8 of the notes	See item 8 of the notes

## Notes

1. Where the court rules and statutes cited are silent or vague, specifications indicated above represent the position of the State Court Administrative Office.
2. The amounts stated are the minimum amounts. A higher amount may be appropriate depending upon individual court circumstances.

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3. All positions require faithful performance and honesty bond coverage, which should be effective before assuming and/or performing the duties of office.
4. "Boilerplate" language in some blanket bonds appears to exclude performance and/or honesty bond coverage for the very people for whom it is required. Therefore, it is strongly recommended that each court obtain a copy of all documents, including riders relating to its bond coverage, and review them carefully to ensure satisfactory compliance.
5. An individual bond is the preferred bond type. If a blanket bond is used, any pre-existing language that excludes employees required to give statutory bonds must be modified to specifically allow the required coverage. See Sections 5-14 and 6-05.
6. MCL 600.8507 requires that the bond for magistrates shall apply to temporary service in another county as described in the statute. See Section 5-14.
7. MCL 600.572(b) requires the court clerk to file a bond with the county treasurer ensuring that the clerk shall in all respects comply with the requirements of law and the court rules in the handling and management of funds, and to faithfully account for the same. See Section 5-09.
8. The friend of the court surety or performance bond requirements are covered in the Code of Federal Regulations. The Michigan Department of Human Services, Bureau of Individual and Family Services, must use written procedures for compliance with 45 CFR 302.19. These procedures contain regulations requiring that every person who has access to child support collections be covered by a bond against loss resulting from employee dishonesty. This provision applies to state and local IV-D agency employees. Individual counties can have self-bonding/insuring provisions. See also Section 5-11. 45 CFR 302.19.