

# Order

Michigan Supreme Court  
Lansing, Michigan

June 7, 2023

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2017-28

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

Proposed Amendments of  
Rules 1.109, 5.302, and 8.108  
of the Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering amendments of Rules 1.109, 5.302, and 8.108 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

Rule 1.109 Court Records Defined; Document Defined; Filing Standards; Signatures;  
Electronic Filing and Service; Access

(A)-(C) [Unchanged.]

(D) Filing Standards.

(1)-(9) [Unchanged.]

(10) Request for Copy of Public Document with Protected Personal Identifying  
Information; Redacting Personal Identifying Information; Responsibility;  
Certifying Original Record; Other.

(a)-(b) [Unchanged.]

(c) Redacting Personal Identifying Information.

(i)-(iii) [Unchanged.]

(iv) Unredacted protected personal identifying information may be

included on transcripts filed with the court but must be redacted pursuant to a written request submitted under MCR 1.109(D)(10)(c)(i). The written request must identify the page and line number for each place in the transcript where the protected information is located.

(d)-(e) [Unchanged.]

(E)-(H) [Unchanged.]

#### Rule 5.302 Commencement of Decedent Estates

(A) Methods of Commencement. A decedent estate may be commenced by filing an application for an informal proceeding or a petition for a formal testacy proceeding. A request for supervised administration may be made in a petition for a formal testacy proceeding.

(1) When filing either an application or petition to commence a decedent estate, a copy of the death certificate must be attached. If the death certificate is not available, the petitioner may provide alternative documentation of the decedent's death. All protected personal identifying information on the death certificate or alternative documentation must be redacted as required by MCR 1.109(D)(9).

(2) If a will that is being submitted to the court for the purposes of commencing an estate contains protected personal identifying information, the filer must provide the will being submitted for probate and a copy that has the protected personal identifying information redacted as required by MCR 1.109(D)(9). The unredacted version of the will shall be maintained by the court as a nonpublic record.

(2)-(3) [Renumbered (3)-(4) but otherwise unchanged.]

(B)-(D) [Unchanged.]

#### Rule 8.108 Court Reporters and Recorders

(A)-(E) [Unchanged.]

(F) Filing Transcript.

(1)-(2) [Unchanged.]

- (3) Unless notice has been previously provided under a different rule, immediately after the transcript is filed, the court reporter or recorder must notify the court and all parties that it has been filed and file in the court an affidavit of mailing of notice to the parties.

(G) [Unchanged.]

*Staff Comment (ADM File No. 2017-28):* The proposed amendments of MCR 1.109, 5.302, and 8.108 would provide clear direction on the process for protecting personal identifying information in transcripts, wills, and death certificates.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by October 1, 2023 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2017-28. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 7, 2023

Clerk