



State Court Administrative Office

Michigan Trial Court Records Management Standards

Data, Case, and Other Court Records

April 2022

INDEPENDENCE · ACCESSIBILITY · ENGAGEMENT · EFFICIENCY



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Introduction

The court, under the direction of the chief judge, has responsibility for the management of all records necessary to adequately support the business of the court. It requires the systematic control of those records from the point they are created, received, or filed to the point they are transferred to the Archives of Michigan or destroyed in accordance with approved record retention and disposal schedules. This is accomplished through the assistance of staff support, including, but not limited to, court administrators, registers of probate, clerks of the court, probation officers, and friends of the court, all of whom are required to comply with various laws, court rules, and standards pertaining to management of the judiciary's court records.

The following policies and standards set forth: 1) retention and disposal policies for court records, 2) policies for access to records and safeguarding nonpublic and confidential information, 3) criteria and procedures for achieving systematic control over all types of recorded information under the control of the courts, and 4) criteria and procedures for identifying and disposing of court records eligible for disposal.

Contact the State Court Administrative Office, Trial Court Services, at 517-373-4835 or trialcourtservices@courts.mi.gov if you have questions or need technical assistance with records management.

Definitions

1. **Active records** are records that continue to be used with sufficient frequency to justify keeping them in the office of creation; current records.
2. **Archival quality medium/format** means records media that is resistant to deterioration or loss of quality, allowing for a long life expectancy when kept in controlled conditions.
3. **Case files** means paper or electronic documents (such as pleadings, orders, judgments, notices, warrants, and service of process), attachments to documents, discovery materials, and other materials filed with the clerk of the court or those documents or records that are created by the court in relation to case files. MCR 1.109(A)(1)(a)(i) and(ii) and (b)(i) and MCR 8.119(D)(1)(b).
4. **Case history** means the data entered in the automated case management system pursuant to MCR 8.119(D)(1). It is commonly known as the numerical and alphabetical indices and the register of actions.
5. **Case records** means case files, case history, and calendars maintained by the clerk of the court, and other materials filed with or handled by the court (not necessarily the clerk of the court) for purposes of case processing, including but not limited to wills filed for safekeeping, case evaluations, exhibit logs, presentence reports, probation files, problem-solving court treatment files, financial statements for collections, and friend of the court records. MCR 8.119(D) and (E).
6. **Case-type group** means a group of case files comprising a series of equivalent case-type codes that correspond to a specific case process and retention period.
7. **Court recording records** means audio and video recordings (analog and digital), steno tapes, log notes, and other related records. MCR 1.109(A)(1)(a)(ii) and (b)(ii) and MCR 8.119(F).
8. **Data** means:
 - a. Any information entered in the case management system that is not ordinarily reduced to a document but that is still recorded information, and any data entered into or created by the e-Filing system. MCR 1.109(A)(1)(b)(iii).
 - b. Other recorded information created or handled by the court (such as notices, bench warrants, arrest warrants, and other process issued by the court that do not have to be maintained on paper or in digital image). MCR 1.109(A)(1)(b)(iv).
 - c. All data produced in conjunction with the use of any system for the purpose of transmitting, accessing, reproducing, or maintaining court records (such as that which would be produced by an e-Filing or electronic document management system). MCR 1.109(A)(1)(a)(ii).

9. **Data migration** is the process of transferring data between storage types, formats, or computer systems.
10. **Date disposed or date of disposition** means the date a case is adjudicated or otherwise disposed, as defined for caseload reporting.
11. **Date filed** means the date a case initiating document is filed with the court in order to start or register a case. A case initiating document must be stamped with the date filed.
12. **Degaussing** is minimizing the magnetic field in magnetic media so the information is obliterated and cannot be returned.
13. **Deletion** means the removal or erasure of information from electronic devices and storage media.
14. **Digital continuity** is the ability to use information in the way needed, for as long as it is needed.
15. **Digital imaging system** is a system used to produce electronic images of paper documents through use of scanning equipment. It may be used in conjunction with an electronic document management system.
16. **Digital signature** means an embedded unique digital “fingerprint” in a document that is linked to the signer and the document through a certificate-based digital ID (a digital certificate). A digital signature is different than an electronic signature and is not required by MCR 1.109(E).
17. **Disposal/Dispose** is the action taken with regard to records after the retention period expires, and consisting of destruction or transfer, in accordance with an approved record retention and disposal schedule.
18. **Document** means a record produced on paper or a digital image of a record originally produced on paper or originally created by an approved electronic means, the output of which is readable by sight and can be printed to 8 1/2 x 11 inch paper without manipulation.
19. **Electronic document management system (EDMS)** is a software program that manages the creation, storage, and control of documents electronically. The primary function of an EDMS is to manage electronic information within a court’s workflow. An EDMS may or may not have records management capability. To qualify as a records management system, an EDMS must be capable of providing secure access, maintaining the context, and executing disposition instructions for all records in the system.
20. **Electronic record** (also known as a digital record) means any record that is created and/or stored electronically. An electronic record may be a scanned paper document, born electronic, e-mail, shared-drive content, or electronically submitted information, including facsimile output to digital.

21. **Electronic court seal** means a graphic image of the court seal in PNG or TIFF format that is designed for use on electronic documents.
22. **Electronic signature** means any sound, symbol, or process that is electronically associated with a record that is adopted by the signer, indicating his or her intent to sign. It is not the same as a digital signature. MCR 1.109(E)(4).
23. **Essential fields** are those fields that are necessary to meet statutory and court rule reporting requirements and long-term retention requirements of case history.
24. **Essential fields exception report** means a case management system report of cases potentially eligible for disposal that are missing required case history data.
25. **File plan** is a plan designating the physical location(s) at which a court's files are to be maintained, the specific types of files to be maintained there, and the organizational element(s) having custodial responsibility. It also refers to a document containing the identifying number, title or description, and disposition authority of files held in an office.
26. **Final disposition** means the appeal period has expired and either no appeal has been made or a final appeal decision has been entered.
27. **Inactive records** are records that are no longer used in the day-to-day course of business, but that may be preserved and occasionally used for legal, historical, or operational purposes.
28. **Indices** mean the numerical and alphabetical displays of certain case history through the search capability of a court's automated case management system or, in paper-based systems, records used to search for cases numerically or alphabetically. Paper-based indices are obsolete but must be retained for the required retention period. Each index includes, at a minimum, the case number, party names, and date of filing.
29. **Long-term retention** means the life of an electronic record or a record on microfilm or microfiche is expected to be longer than the life of the technology used. This is generally about 10 years, but it can vary.
30. **Metadata** means data that provides additional information or context about one or more aspects of data. It is usually created automatically by computer systems, but it is sometimes created manually.
31. **Migration** is a set of organized tasks designed to achieve the periodic transfer of digital materials from one hardware/software configuration to another, or from one generation of computer technology to a subsequent generation. The purpose of migration is to preserve the integrity of digital objects and to retain the ability for clients to retrieve, display, and otherwise use them in the face of constantly changing technology. Migration includes refreshing as a means of digital preservation but differs from it in the sense that it is not always possible to make an exact digital copy or replica of a database or other information

object as hardware and software change and still maintain the compatibility of the object with the new generation of technology.

32. **Official record** means either the paper or electronic version of any document filed with or generated by the court and any case history data manually or electronically entered into the case management system. There is only one official court record, regardless whether original or suitable-duplicate and regardless of the medium. Documents electronically filed with the court or generated electronically by the court are original records and are the official court record. MCR 1.109(G). A paper printout of any electronically filed or generated document is a copy and is a nonrecord for purposes of records retention and disposal. Any case initiation data transmitted in accordance with MCR 1.109(D)(2) is an official court record. Any document reproduced under MCR 1.109(D)(5) replaces the paper as the official record.
33. **Original record** means the medium in which the record was created (born). It can be paper or electronic. Examples of records born electronic are (1) case data entered into a court's case management system) and (2) a record or document transmitted electronically through an approved means pursuant to MCR 1.109(D)(1). A digital image created by scanning pursuant to MCR 1.109(D)(1) and (5) is not an original record but is a suitable-duplicate record; however, it replaces the paper record as the official record.
34. **Other case record** means a paper or electronic document that is filed or handled by the court for purposes of case processing and maintained separately from the case files. It includes, but is not limited to, wills filed for safekeeping, case evaluations, exhibit logs, presentence reports, probation files, problem-solving court treatment files, financial statements for collection, and friend of the court records. MCR 1.109(A)(1)(a)(i) and (ii) and (b)(ii) and MCR 8.119(E).
35. **Permanent record** is a record the Archive of Michigan has determined has sufficient historical or other value to warrant continued preservation by the state government beyond the time it is needed for administrative, legal, or fiscal purposes.
36. **Record series** means a group of records arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, exist in the same media format, or have some other type of relationship.
37. **Recorded information** includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form.
38. **Records disposal inventory** means an inventory generated by a court's case management system that lists all case records eligible for disposal. It is used to facilitate retrieval of case files eligible for disposal. It may be attached to the Order to Dispose Court Records but it is not required.

39. **Records management** means the field of management responsible for the systematic control of the creation, receipt, maintenance, use, and disposal of records.
40. **Refresh** means to copy digital information from one storage medium to another of the same type, with no change whatsoever in the bit stream (e.g. from a decaying 4mm DAT tape to a new 4mm DAT tape, or from an older CD-RW to a new CD-RW). Refreshing is a necessary component of any successful digital preservation program, but is not itself a complete program. It potentially addresses both decay and obsolescence issues related to the storage media.
41. **Register of actions** is another term for the presentation of case history in a specific format, whether automated or in paper format. A record of the case history is prescribed by MCR 8.119(D) and these standards. Where the case history exists in the automated case management system and on paper, the paper case history is considered a duplicate record and is treated as a nonrecord.
42. **Retention** is the length of time a record must be kept (either in the office or in off-site storage) because it is needed for ongoing business, to document an action, or for statutory reasons. This is also referred to as a “retention period.”
43. **Sustainable format** means the ability to access an electronic record throughout its lifecycle, regardless of the technology used when it was originally created.
44. **Suitable-duplicate record** means the original record has been reproduced in accordance with the Records Reproduction Act to one of the following suitable mediums: (1) paper, (2) microfilm, or (3) digital image. Electronic case history (indices and registers of actions) is not a duplicate record of any other record or document. A suitable-duplicate record is the official record only when it replaces the original record.
45. **Vital records** are essential court records that are needed to meet operational responsibilities under emergency or disaster conditions (“emergency operating records”), or to protect the legal and financial rights of the courts and those affected by court activities. Vital records are also known as essential information.
46. **Workflow** means automation of business processes, in whole or in part, during which documents, information, or tasks are passed from one participant to another for action, according to a set of procedural rules.

Section 1: Retention and Disposal Policies

1.0 Introduction

The records management policies in this section serve as a mandate for the activities of those responsible for the management of trial courts records and establish the framework for implementing local trial court records management programs. The purpose of these policies is to ensure that full and accurate records of the judiciary are created, captured, maintained, made accessible, stored, and legally disposed of in accordance with Michigan law and court rule. The policies also state who they apply to and the responsibilities of staff in support of these requirements. These policies apply to all records of the judiciary addressed in this document regardless of format and media.

1.1 Records Retention and Disposal Schedule

Purpose:

The Records Retention and Disposal Schedule (Retention Schedule) is the legal document that authorizes the retention and disposal of court records defined in MCR 8.119(D) through (G). The Retention Schedule 1) sets the time periods for keeping court records, and 2) authorizes the destruction of records, or the transfer of records to Archives of Michigan, after records are no longer needed at the court.

MCL 399.811 and MCL 750.491 require that all public records be listed on an approved retention and disposal schedule that identifies the minimum amount of time that records must be kept to satisfy administrative, legal, fiscal, and historical needs. Any record not contained on this list or not having a statutory retention period cannot be disposed of without first securing an amendment to this schedule.

Establishing the Schedule:

MCL 600.1428 states that “[t]he state court administrative office shall establish and maintain records management policies and procedures for the courts, including a records retention and disposal schedule, in accordance with supreme court rules. The record retention and disposal schedule shall be developed and maintained as prescribed in section 11 of the Michigan history center act, 2016 PA 470, MCL 399.811.” This statute permits the orderly destruction of public records through the creation of a retention and disposal schedule.

The retention periods are determined with assistance from advisory committees consisting of trial court and Archives of Michigan representatives. The legal, fiscal, administrative, and historical value of a record are equally considered when determining the appropriate retention period for a record. Trial court record retention and disposal schedules are approved by the State Court Administrator; Records Management Services of the Department of Technology, Management, and Budget; the Archives of Michigan; the Attorney General; and the State Administrative Board. MCL 399.811 and MCR 8.119(K).

Implementing the Schedule:

The responsibility for implementing the Retention Schedule is at the local level. Regular use of the Retention Schedule by a trial court is crucial to maintaining control over its records.

- [General Schedule #13 - District Courts](#)
- [General Schedule #14 – Probate Courts](#)
- [General Schedule #15 – Circuit Courts](#)

See [Section 3](#) for maintenance and retention standards and [Section 4](#) for disposal standards.

1.2 Official Court Records

Court Records Defined:

- A court record means all case, administrative, or fiscal information of any kind that is recorded in any manner that has been created by a court or filed with a court in accordance with Michigan Court Rules and Michigan law.
- A court record includes, but is not limited to documents, recordings, data, metadata, and other recorded information created or handled by the court, including all data produced in conjunction with the use of any system for the purpose of transmitting, accessing, reproducing, or maintaining court records (such as that which would be produced by an electronic filing system or electronic document management system). MCL 600.1428, MCR 1.109(A)(1).

One Official Court Record:

- There is only one official court record, regardless whether original or suitable-duplicate and regardless of the medium. This includes case history (also known as register of actions). Documents electronically filed with the court or generated electronically by the court are original records and are the official court record. A paper printout of any electronically filed or generated document is a copy and is a nonrecord for purposes of records retention and disposal. MCR 8.119(D)(4).
- The electronic version of any document filed with or generated by the court under MCR 1.109(G) and any case initiation data transmitted in accordance with MCR 1.109(D)(2) is an official court record. MCR 1.109(G)(3)(d), (4).
- Documents received by facsimile communications equipment for filing with the court are original documents (whether received on paper or electronic format) and as such, are part of the official court records. The filing party shall retain the documents that were transmitted by facsimile communication equipment. A court may reproduce a paper facsimile into another medium in accordance with the policy below in 1.3.

Ownership, Custody, and Care of Official Court Records:

- All records of the courts of Michigan are public property, belonging to the people of the State of Michigan and, under the supervision of the Michigan Supreme Court, shall be maintained and disposed of only as provided by MCL 399.811, MCL 600.1428, MCR 8.119(K), and the records management policies and procedures established by the State Court Administrative Office. MCL 750.491.

- By law, the clerks of the courts are responsible for the care and custody of the official case records of the Michigan judiciary. The clerks of the courts are required to maintain and dispose of these case records, and any other records required by the Michigan judiciary, as directed by the State Court Administrative Office, in compliance with law and court rule. MCL 399.811, MCL 600.571, MCL 600.832, MCL 600.1428, MCL 600.8181, MCL 600.8281, MCL 600.8317, MCR 8.119.

1.3 Original and Suitable-Duplicate (Reproduced) Records

Original and Suitable-Duplicate Defined:

- The Retention Schedule specifies the required retention periods for trial court records whether in original form or suitable-duplicate form made pursuant to the Records Reproduction Act (MCL 24.401-24.406).
- An **original record** means the medium in which the record was created (born). It can be paper or electronic. Examples of records born electronic are (1) case data entered into a court's case management system and (2) a record or document transmitted electronically through an approved means pursuant to MCR 1.109(D)(1). A digital image created by scanning pursuant to MCR 1.109(D)(1) and (5) is not an original record but is a suitable-duplicate record; however, it replaces the paper record as the official record.
- A **suitable-duplicate record** means the original record has been reproduced in accordance with the Records Reproduction Act to one of the following suitable mediums: 1) paper, 2) microfilm, or 3) digital image. Electronic case history (indices and registers of actions) is not a duplicate record of any other record or document.

Replacing an Original Record with a Reproduction:

- Except where electronic filing is implemented, all original documents filed on paper (whether in person or by facsimile) may be reproduced and maintained by the court as a digital image in place of the paper original in accordance with digital imaging standards and guidelines established by the State Court Administrative Office. MCR 1.109(D)(5), [Michigan Trial Court Guidelines and Standards for Digital Imaging](#). If original paper versions of records specified in the Retention Schedule are reproduced into an archival quality medium/format as provided by the Records Reproduction Act (MCL 24.401-24.406) for the purpose of replacing the paper records before the required retention period, the paper records shall be destroyed, but no earlier than 30 days after being reproduced to allow for verification of the images. The reproduced records replace the paper records as the official record. MCR 1.109(D)(5).
- Where electronic filing is implemented, a court must accommodate the filing and serving of materials that cannot be filed or served electronically. MCR 1.109(G)(3)(c). All original documents filed on paper shall be converted to electronic format. MCR 1.109(G)(3)(d).
- When the court has an electronic document management system, the clerk of the court shall convert to electronic format any document filed on paper. MCR 1.109(G)(3)(d).
- Any court reproducing records to microfilm, microfiche, or digital images must comply with the State of Michigan's standards for records reproduction. Additionally, if the court is reproducing records to digital images, it must also comply with the [Michigan Trial Court Guidelines and Standards for Digital Imaging](#). For additional details on

records media standards, see [Section 3.1 – Filing, Service, Transmission, and Storage Methods](#).

1.4 Case Record Retention and Disposal

(previously labeled Component 34 of the Michigan Trial Court Case File Management Standards)

Clerk of the Court Responsibility:

- The court's case records are the primary responsibility of the clerk of the court under MCR 8.119(D).
- The clerk of the court shall create and maintain a case history of each case in the court's automated case management system in accordance with MCR 8.119(D)(1)(a) and any SCAO data standards established pursuant to [Michigan Supreme Court Administrative Order 1997-8](#).
- The clerk of the court shall maintain a file of each action in accordance with MCR 8.119(D)(1)(b) and these standards. All other court records are to be maintained separately as prescribed in these standards.
- The clerk shall not permit any case file or related case records under the control of the clerk to be sent out or transferred from the court without the order of the court. See [Section 3.3.1.12 - Transferring Case Files](#). MCR 8.119(H). This does not apply to files transferred for purposes of appeal. See [Section 3.3.1.15 - Appeal Processing](#).
- The chief judge must enter an order in accordance with MCR 8.119(K) granting the clerk of the court authority to dispose of records. See [Section 1.7](#).

Case File Documents:

- Any item placed in a case file, whether file-stamped or not, becomes part of that case file and must be maintained for the full length specified in the Retention Schedule, except that discovery materials may be removed and destroyed from files in accordance with MCR 2.316. See [SCAO-approved form MC 29, Notice of Intent to Destroy Discovery Materials](#). This policy does not apply to nonrecord materials placed in a case file for convenience.
- Paper documents and other materials not placed in a case file because of size limitations (such as transcripts) but which are considered part of the case file must be maintained for the full length specified in the Retention Schedule.

Case-Related Nonrecord Items:

- Items that may be related to the case file and referred to by the court are driving records, LEIN records, criminal responsibility and competency reports, warrant information, fingerprints, copies of temporary vehicle registration plates, mental health records, victim information, judge's notes/day sheets, duplicate copies, envelopes, correspondence, handwritten notes, and other similar records. These items are not court records and are not to be placed in the case file. These documents should be destroyed when of no further use, in accordance with the Retention Schedule. See also [Section 3.3.1.9 – Minimum File Contents](#).

Case History:

- The case history (known as numeric and alphabetic indices and registers of actions) is a distinct court record related to the case file and effective January 1, 2017, must be created and maintained electronically.
- If case history has been printed and placed in the case file or is preprinted on the jacket of a paper case file and does not also exist in the court's automated case management system, it must be maintained separately in accordance with the retention and disposal schedule.

1.5 Electronic Filing, Case Management, and Document Management Systems

Unauthorized Sale, Transfer, or Use:

Any provider of a system that creates, receives, maintains, uses, and disposes of court records, whether at the state or the local level, is prohibited from selling, transferring, or otherwise using those court records, except as authorized by law, Michigan court rule, or the Michigan Supreme Court.

Contract with System Provider:

Any Michigan court that enters into a contract with a system provider for an electronic filing system, a case management system, or a document management system that creates, receives, maintains, uses, and disposes of court records shall ensure that the following provisions are included in the contract:

- The provider shall not sell, transfer, or otherwise use a court record, except as authorized by state law, court rule, or the Michigan Supreme Court.
- The provider shall dispose of records in compliance with statutes, court rules, and the standards established by the State Court Administrative Office.
- If the contract with the provider is terminated, the provider shall ensure that all records are returned to the court or authorized custodian of those records. Duplicate records shall be destroyed in accordance with the standards established by the State Court Administrative Office and the provider shall execute a signed certificate of media disposition stating that the data has been destroyed in accordance with those standards.

Memorandum of Understanding with Executive Branch:

Any Michigan court that shares an electronic filing system, a case management system, or a document management system with the executive branch shall sign a memorandum of understanding, approved by the Michigan Supreme Court, regarding the creation, receipt, maintenance, use, and disposal of court records in that system. An individual court does not need to have a memorandum of understanding if the Michigan Supreme Court has a statewide memorandum of understanding with the executive branch agency that shares the system.

Policies and Procedures for System Conversion:

Whenever a court converts from one electronic filing system, case management system, or document management system to another, it must establish policies and procedures that ensure that all records are accessible in their entirety for the retention period of the related records, as prescribed in the Retention Schedule.

Delivery of Records to Authorized Custodian:

Any person who retains possession of and refuses to deliver any records of the courts of Michigan upon demand by the authorized custodian of those records (court) shall be guilty of a misdemeanor, punishable by imprisonment in the state prison for not more than 2 years or by a fine of not more than \$1,000. MCL 750.491.

Capability to Transfer Records to Archives of Michigan:

An electronic case management system and document management system must be capable of transferring required data, electronic documents, and any associated metadata to the Archives of Michigan at the end of the relevant retention periods prescribed in the Retention Schedule and in the manner prescribed by Archives and the State Court Administrative Office.

1.6 Miscellaneous

Metadata:

Metadata is a component of a record. Although it can be destroyed at any time after creation, metadata has value and may be necessary for documenting system-based transactions and indexing and maintaining context of records within a record series. For guidance from the State of Michigan in this regard, see [Appendix C](#).

Retention of Non-Court Records:

Certain records may be created by a court or maintained by a court but are not “court records” under the trial court Retention Schedules. Non-Court Records are not to be confused with Non-Case Records or Nonrecords, both of which are listed on the trial court Retention Schedules. Non-Court Records include:

- Records created by the court as a result of court services provided to the jury board. They are to be maintained in accordance with the county’s record retention and disposal schedule.
- Payroll records created by courts that perform payroll functions for the funding unit. They are to be maintained in accordance with the funding unit’s record retention and disposal schedule. See [General Schedule #31 – Local Government Financial Records](#).

Records Not Identified in the Retention Schedule:

- If a record is not identified on the Retention Schedule, the record is considered to have a permanent retention period. Destruction and/or reproduction of such a record must be delayed until a review of the legal, fiscal, administrative, and historical value of the record can be conducted and a retention period approved.
- If uncertain whether a record is included in the Retention Schedule, or if you identify a record that is not included, contact the Trial Court Services Division of the State Court Administrative Office at TrialCourtServices@courts.mi.gov to request a review.

1.7 Disposal

Minimum Retention; Required Transfer:

- Retention periods apply to all court records defined in MCR 1.109 and MCR 8.119, whether paper or electronic and regardless of the format and means of storage.
- According to law, records identified in the Retention Schedule for transfer to Archives of Michigan must be transferred when the retention periods have been met. Duplicate records shall not be maintained by the court in any format (e.g., paper, electronic or digital format, or microfilm or microfiche), except as otherwise authorized by the State Court Administrative Office.
- It is highly recommended that all records not transferred to Archives be destroyed when the retention periods prescribed in the Retention Schedule have been met.

Disposal Methods:

- Unless required to be transferred to Archives of Michigan, a court record is disposed of by physically destroying the entire record, including all paper and electronic records.
- Disposal methods by medium include:
 - 1) Paper, Microfilm/Microfiche, Electronic: Transfer to Archives of Michigan as indicated on the Retention Schedule.
 - 2) Paper and Microfilm/Microfiche: pulverizing, shredding, or burning.
 - 3) Electronic: breaking, swiping, overwriting, or degaussing.

Disposal Inventory and Order:

- An inventory of all records to be disposed must be properly recorded on an **Order to Dispose Court Records** ([form SCAO 72](#)). The inventory must include, at a minimum, the item # (record series), 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).
- If records are to be offered or transferred to the Archives of Michigan, the signed order must be certified by the state archivist or his/her representative. The court must contact Archives of Michigan to make arrangements for assessing and transferring records. See [Section 4.1](#) for details.
- The original signed order must be maintained permanently by the court administrator of the court and a copy must be maintained permanently by the clerk of the court.

Standards and guidelines for disposal of records are prescribed in [Section 4](#). Additional disposal policy is specified in each of the [Retention Schedules](#).

Section 2: Access to Records**Section 2: Access to Records**

(previously labeled Component 19 of the Michigan Trial Court Case File Management Standards)

2.0 Introduction

The policies and procedures in this section summarize the obligations of the trial courts in providing access to trial court public records and restricting access to nonpublic, confidential, and sealed records. The trial court is required to ensure that these policies and procedures are adhered to by all trial court staff and county clerk offices as well as any system provider contracted by the trial court to provide a system for creating, receiving, maintaining, using, and disposing of court records.

The case management system is the financial and programming responsibility of the court. The county clerk's office is required to notify the court of personnel changes and updated access and authorization requirements. As such, the county clerk must work closely with the court to accomplish this and may be granted rights to access and update certain information to expedite the work of the court.

2.1 Public Records

Case records as defined in MCR 8.119(D) are public records except for those records designated by statute, court rule, case law, or court order as having restricted access. Public records are subject to access in accordance with MCR 8.119(H) and these standards.

- Court records are not subject to Freedom of Information Act requests. MCL 15.232(h)(iv).
- Any person may inspect any public case record or information contained in a record as defined in MCR 8.119(D) unless access is restricted by statute, court rule, or case law, or by an order entered under MCR 8.119(I). MCR 8.119(D).
- Except as otherwise provided by statute or court rule, a court may not enter an order that seals public court records, in whole or in part, in any action or proceeding, unless certain conditions exist. MCR 1.109(D)(8), MCR 8.119(I).
- The clerk shall not permit anyone who is not employed by the court or the office of the clerk of the court to take a file from the clerk's office for any reason. For example, a clerk shall not give a file to an attorney to take to a courtroom. MCR 8.119(H).
- Every court must adopt an administrative order outlining specific procedures for providing access to its public records. See [Model LAO 8 - Inspection, Reproduction, and Creation of Records](#) and [Section 4 of the Michigan Court Administration Reference Guide](#).

2.2 Restricted-Access Case Records**Restricted Access Defined:**

Restricted-access records are designated by the court as either nonpublic, confidential, or sealed pursuant to law, court rule, or order. These designations are defined in MCR

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1.109(H).

- “Confidential” means that a case record is nonpublic and accessible only to those individuals or entities specified in statute or court rule. A confidential record is accessible to parties only as specified in statute or court rule.
- “Nonpublic” means that a case record is not accessible to the public. A nonpublic case record is accessible to parties and only those other individuals or entities specified in statute or court rule. A record may be made nonpublic only pursuant to statute or court rule. A court may not make a record nonpublic by court order.
- “Sealed” means that a document or portion of a document is sealed by court order pursuant to MCR 8.119(I). Except as required by statute, an entire case may not be sealed.

Procedure for Restricting Access and Responding to Inquiries for Access:

- Procedures regarding access to case records, whether open to the public or not, shall be documented in a court’s [local administrative order](#) and shall include appropriate references to statutes or court rules.
- Courts shall also establish local policies for handling requests for access to confidential and nonpublic files under MCR 3.925(D)(2), including access under MCL 712B.11.
- When public inquiry is made about a restricted-access record other than a record sealed by court order, court personnel must respond that “No public record exists.”
- Case files and related records, such as case history (registers of action and indexes), court reporter notes, audio or video recordings, calendars, and public calendars of confidential and nonpublic cases must be marked accordingly.
- To ensure that procedures are carried out uniformly and correctly, only authorized personnel should be assigned the responsibility of processing requests for restricted-access records.
- If court staff is able to acknowledge that a requested record exists, inquiries regarding these records should be referred to authorized personnel.

Chart of Restricted-Access Records:

- For details on what records are restricted, the citations for those restrictions, and how the court is to respond to inquiries, see the [Access Security Matrix and the Nonpublic and Limited-Access Court Records](#) chart. The chart is organized into two parts: 1) Access Security Matrix, and 2) Nonpublic and Limited-Access Court Records. The Access Security Matrix displays information on access to electronic court records based on user roles, and its primary use is for system providers to establish user groups and access levels and to assign an access level for each user group based on case type and for all docket codes. Secondly, it serves as a table of contents to the Nonpublic and Limited-Access Court Records chart.
- The Access Security Matrix and Nonpublic and Limited-Access Court Records chart lists various court record types to which access is restricted by state or federal statute, Michigan court rule, or court order. Although the chart provides guidance on the use of and access to nonpublic records, court staff should review the particular statutes and court rules for details. Also, when in doubt, court staff should consult with their chief judge on local interpretation.

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- Each listed item in the chart begins with the specific record type that has its access limited, a citation to the relevant statute and/or court rule, and the duration of time that access to the record is limited (Record Having Limited Access and Length of Duration). Following this identification of the record type, the chart specifies what regulations or standards exist for the court's filing and storage of the record and for access to the record by court staff (Filing and Court Access Requirements). Each item ends with a listing of various persons or entities that may be given access to restricted-access records and the reasons for which they are allowed access (captioned as Possibilities for Access to Court Records). The chart is organized by court type and category of case.
- Statutes and court rules do not specifically provide for access by third parties acting on behalf of an entity listed in the Nonpublic and Limited-Access Court Records chart. This is an area of a risk for a court, and the court should sufficiently verify that a third party is acting on behalf of the original authorized entity or person when a request to access restricted records has been made by a third party.

Indexes, Case History, and Calendars:

- Case history (register of actions) provided through an automated public search capability must not display nonpublic cases. In addition, courts are prohibited from publicly displaying protected personal identifying information as defined in MCR 1.109(G)(9). For case history available only on paper, the court must make arrangements to ensure public access to nonpublic and confidential entries is restricted.
- The clerk of the court must also take precautions to restrict access to other pieces of nonpublic or confidential information that is regulated by Michigan or federal statute, federal regulation, Michigan court rule, or court order under MCR 8.119(I) so that it is not displayed in public case history or public calendars (whether in paper or electronic format).

Case Files:

- Access to an entire file may be restricted by court rule or statute. See the [Access Security Matrix and the Nonpublic and Limited-Access Court Records](#) chart.
- Access to portions of a file may be restricted by order issued under MCR 8.119(I).
- In a paper-based system, the file area containing frequently accessed restricted-access files should be supervised and separate from the area accessible to the general public and unauthorized personnel.
- Each file should be clearly identified so that access to the file is restricted. Any confidential or nonpublic stamp, label, or tag imprinted on or associated with a paper or electronic case file must be clearly identifiable.
- The procedures and policies for restricted-access files must be explicitly stated and periodically reviewed with all staff.
- The clerk of the court must notify the court reporter or recorder, or the clerk of any other court that may have had the case at one time, that access to the file is restricted.

Section 2: Access to RecordsRecords or Information within Case Files:

- The clerk of the court must take precautions to restrict access to pieces of information in restricted-access case files and other court records. This information includes nonpublic and confidential information regulated by Michigan or federal statute, federal regulation, Michigan court rule, or court order.
- When access to a document is restricted by statute, court rule, or order, the trial court should clearly mark the document “NONPUBLIC,” “CONFIDENTIAL,” or “SEALED,” as appropriate. The document should be maintained in a manner that permits the clerk to easily identify and remove that document if a request to review a public case file is made. Any confidential, nonpublic, or sealed stamp, label, or tag imprinted on or associated with a paper or electronic case file must be clearly identifiable.
- If information on a document is nonpublic or confidential, but the document itself is not nonpublic or confidential (such as a nonpublic personal identifying information), the information should not be available except as permitted by statute, court rule, or order. If a person is entitled to a copy of the document but not to certain nonpublic or confidential information on the document, the sensitive information must be redacted in accordance with court rule.

Sealed Records:

A sealed record in a paper-based system typically means the record is sealed in an envelope that is taped or sealed shut and marked “Sealed.” Sealed documents may be maintained in an electronic document management system and access regulated through access rights. If the method of sealing is prescribed by statute and requires placement in an envelope, the court must comply with the statute even where the court uses an electronic document management system.

- Method of Sealing Document as Prescribed by Statute: [MCL 712A.18r, MCL 767.6a]
 - 1) Place document(s) in an envelope and tape or seal shut.
 - 2) Label envelope “Confidential and Sealed pursuant to [cite statutory authority]” and with the case number (and petition number when applicable) to which the documents pertain.
 - 3) Maintain in the case file. For competency documents sealed under MCL 712A.18r, maintain the envelope in the social file.
- Procedure for Documents Sealed By Court Order:
 - 1) Public documents may not be filed under seal except when the court has previously entered an order in the case under MCR 2.302(C) or MCR 8.119(I).
 - 2) A document may be made nonpublic temporarily before an order to seal is entered as follows:
 - a) A filer may request that a public document be made nonpublic temporarily when filing a motion to seal under MCR 8.119(I). As part of the filing, the filer shall provide a proposed order granting the motion and shall identify each document that is to be sealed under the order. The filer shall bear the burden of establishing good cause for sealing the document. MCR 1.109(D)(8)(a).
 - b) Pending the court’s order, the filer shall serve copies of the motion, each document to be sealed, and the proposed order on all parties. The clerk of the court shall ensure that the sealed documents are made nonpublic pending entry of the order. MCR 1.109(D)(8)(b)-(c).

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- c) Before entering an order sealing a document under this rule, the court shall comply with MCR 8.119(I). On entry of the order on the motion, the clerk shall maintain under seal only those documents stated in the court's order and shall remove the nonpublic status of any of the documents that were not stated in the order. MCR 1.109(D)(8)(d).
- 3) When a court has ordered a record to be sealed pursuant to MCR 8.119(I), all orders and opinions must remain public records. Any person may file an objection to entry of the proposed order or a motion to set aside the order. If the court denies a motion to set aside the order or enters the order after objection is filed, the moving or objecting party may file an application for leave to appeal in the same manner as a party to the action. MCR 8.119(I).
- 4) When public inquiry is made about documents, the access to which is restricted by court order under MCR 8.119(I), court personnel should state, "Only court orders and opinions in this case are accessible by the public."

Social Security Number:

- [Michigan Supreme Court Administrative Order No. 2006-2](#) directs courts to limit the collection and use of social security numbers to the last four digits for party or court file identification purposes and to eliminate the collection of social security numbers for purposes other than those required or allowed by statute, court rule, court order, or collection activity when it is required for purposes of identification.
- A person whose social security number is included in any document filed in a court file on or after March 1, 2006, may file a motion to protect the social security number as follows:
 - 1) If a person's social security number is included on a court document and it is not required or allowed to be collected by statute, court rule, or for purposes of collection activity when it is required for identification, the person may file a motion asking the court to direct the clerk to redact the number on the original document.
 - 2) If a person's social security number is included on a court document and it is required or allowed to be collected by statute, court rule, or for purposes of collection activity when it is required for identification, the person may file a motion asking the court to direct the clerk to maintain the document in a separate, nonpublic file.
- Dissemination of social security numbers by the courts is restricted to the purposes for which their use is authorized by federal or state law. When a court receives a request for copies of any public document filed on or after March 1, 2006, the court must review the document and redact all social security numbers on the copy. This requirement does not apply to certified copies, true copies when they are required by law, or copies made for those uses for which the social security number was provided.
- Courts may redact social security numbers on original documents filed after March 1, 2006, only when there is a court order directing the clerk to redact the social security number. Courts may not redact social security numbers from either original or copied documents filed before March 1, 2006, because there is no authority for the court to enter an order to do so.
- [Administrative Order No. 2006-2](#) does not apply to requests to view or inspect files. Courts are not required to remove documents containing social security numbers from court files before allowing a person to inspect them.

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- Courts must take steps to restrict access to social security numbers appearing in court databases. Courts must not allow social security numbers contained in their databases to be made available by public inquiry via the Internet or by any other electronic means. Access to databases should be restricted to court staff and to other specifically authorized persons, such as child-support enforcement agencies for whose use the information was gathered.
- When court automated records include social security numbers in order to identify parties, court staff should not provide those numbers to persons who inquire at the public counter or by telephone. Staff may confirm that a party to a case is the person with a particular social security number when the inquirer already has the social security number and provides it to court staff.

2.3 Providing Nonpublic or Confidential Information to Funding Unit

Courts provide information to funding units to process requests for payment of services by court-appointed counsel/representatives, for reimbursement toward court-ordered obligations, and other similar reasons. Because certain financial records of a court's funding unit may be accessible to the public and the media through the Freedom of Information Act, the court must ensure that any nonpublic or confidential case file, case file document, or information in a case file document is identified as such when providing that information to a funding unit. For example, if a criminal case is nonpublic and the court is required to submit the [Statement of Service and Order for Payment of Court-Appointed Representative](#) (form MC 221) or some other supporting documentation that contains nonpublic or confidential information as to the defendant's case, the court shall either redact that information or if the funding unit requires that detail to validate requests for payment, the court shall make arrangements with the funding unit as to the handling of that nonpublic and confidential court records.

Cross References: See also [Section 3.3.1.8 - Case Files and Other Case Records, Maintained Separately](#), [Section 3.3.1.13 - Copying Documents, Certifying Copies, and Certifying Case History Data](#) and [Section 3.4.1.2 – Court Calendar and Docket](#) for additional information about public access.

Other Related Cites: MCR 2.302(C)(6), (8), (9); MCR 3.705(C); MCR 3.903(A)(3); MCL 600.832; MCL 712A.28.

2.4 Access to Electronic Records

Access to electronic court records by the public, special user groups, judges, and personnel in the court and clerk's office are governed as follows.

Access Methods:

There are three different methods for accessing electronic records.

- Direct access via application (such as a case management system, electronic document management system, or e-Filing system) to internal live data and documents.
- Web-based applications (such as MiFILE or JDW) for replicated or live data and/or documents with security.

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- Web-based portal (such as a court's website) for public viewing of replicated data and variable levels of security based on user role.

Access Security Matrix:

- The [Access Security Matrix and Nonpublic and Limited-Access Court Records](#) chart displays access to electronic court records based on user roles. It can be used by system providers to establish user groups and access levels and to assign an access level for each user group based on case type and for all docket codes.
- The State Court Administrative Office, under the authority of the Michigan Supreme Court, is responsible for maintaining the [Access Security Matrix and Nonpublic and Limited-Access Court Records](#) chart by incorporating legislative and court rule amendments that affect access to court records, regardless of the medium.

User Groups and Maintenance:

- Access to electronic court records is determined by the user's role and the applicable statutes, court rules, and administrative policies. Access may be restricted to certain user groups based on case type, document type, or information contained within records. All individuals and entities authorized under these standards to have greater access than the general public must establish policies to protect nonpublic, confidential, and sealed records and related information in accordance with applicable rule and statutory requirements. Remote electronic access may be more restrictive than clerk in-house electronic access.
- As the systems that contain electronic court records are the financial and programming responsibility of the court, the clerk's office must notify the court of personnel changes, updated access, and authorization requirements. The court should work closely with the clerk's office to accomplish this and may grant staff in the clerk's office rights to access and update certain information to expedite the work of the court.
- Each state or local government agency or law office with personnel who access a court's electronic records in a role that must be authenticated must assign a gatekeeper to notify the court administrator and clerk's office staff of employee or contractor changes. Each agency and law office must remove terminated employees or contractors and must accept responsibility for unauthorized access. The court must develop and maintain agreements clearly defining responsibilities for user maintenance. See [Section 1.5](#).

Access Levels for Direct Access and Authorized Web-Based Application Users:

Levels A through C pertain to restricted-access records electronically accessible to authorized users. The scope of access is as follows:

- Level A - Access
 - Access is permitted to the specified individual or entity in accordance with statute, rule, or other law;
 - Case number, case name/party names, and case history (docket) entries are viewable;
 - Document images are viewable;
 - Copies are available upon payment of reproduction fee, when fee is permitted.
- Level B - Limited Access

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- Limited access is permitted to the specified individual or entity in accordance with statute, rule, or other law;
- Case number, case name/party names, and case history (docket) entries are viewable as specifically authorized;
- Document images are viewable upon request or as specifically authorized;
- Copies are available upon payment of reproduction fee, when fee is permitted.
- Level C - No access
 - The specific individual or entity is prohibited access to all information except the case number pursuant to statute, rule, or other law.

Public Access to Electronic Records at Court Location:

When a court's records are only available electronically, the court must provide a means for the public to view those records, while safeguarding nonpublic and confidential information. This may be accomplished by a publicly accessible computer without Internet access. The scope of access is as follows:

- Access to Public Case Files
 - Case number, case name/party names, age (when available), and public case history (docket) entries are viewable;
 - No protected personal identifying information, as defined in MCR 1.109(G)(9), is viewable;
 - Public document images (with personal identifying information redacted as required by law or court rule) are viewable;
 - Copies of public records can be made available free of charge or upon payment of a reproduction fee, when a fee is permitted;
 - No nonpublic, confidential, or sealed document images are viewable.
- Access to Nonpublic Case Files
 - Case number is viewable.

Public Access to Electronic Records through Internet:

Public records accessible from a court's public website or other web-based portal are restricted to the case number, party names, and case history (docket) entries. Courts are prohibited from providing public access to document images through the Internet. MCR 8.119(H). Additional restrictions are:

- Access to Public Case Files
 - Case number, case name/party names, and public case history (docket) entries are viewable;
 - No protected personal identifying information, as defined in MCR 1.109(G)(9), is viewable;
 - No document images are viewable;
 - Copies of public records can be requested/ordered in accordance with the court's [local administrative order](#) on access to public records.
- Access to Nonpublic Case Files
 - Case number is viewable.

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Security:

- Nonpublic, confidential, or sealed information may not be presented via a public user interface. Instead it must be exchanged over trusted paths or using adequate encryption between users, between users and systems, and between systems. The system must employ appropriate security and encryption measures to prevent disclosure of nonpublic, confidential, or sealed data to unauthorized persons.
- Minimum technical requirements include:
 - 1) Encryption (general public and authenticated)
 - 2) No “cut and paste” of workable links
 - 3) Hyperlinks must not include authentication credentials
 - 4) No access to live data; replicated data shall be used for public access
 - 5) Authenticated access for all users other than general public
 - 6) Monitor bulk data transfers to identify and mitigate abuses of the system by using access programs through automated methods.

Integrity of the Court Record:

To protect the integrity and availability of the court record (data and documents), public access shall be to a replicated and redacted version only. Online links shall be encrypted to prevent return access to a URL via “cut and pasting.” Link refresh times shall time out.

Redaction:

Redaction is the process of obscuring from view nonpublic and confidential information contained within a public record. Redacted portions of the record are blacked out. Redaction may be accomplished manually or through use of technology such as redaction software. If redaction software is used, it must identify and protect confidential records through redaction of confidential information. For efficiency, redaction software is preferred over manual processes; however, manual redaction should be used for records that have been requested by the general public for online viewing.

Quality Assurance:

Clerks must employ redaction processes through human review, the use of redaction software, or a combination of both. Clerks must audit their processes at least annually for quality assurance and must incorporate into their processes changes in law or court rule that pertain to protection of confidential or nonpublic information.

Performance:

Search parameters for internet access to electronic public records are limited to the following:

- Public User
 - 1) Case number (including case type)
 - 2) Case/Party name
 - 3) Date range for filing date of case
 - 4) Case history (docket) entries
- Authenticated Users for MiFILE or the JDW have more search features than public users.
- Only authorized automated search programs, to be used solely for case searches of the case index (case names, case numbers, and file dates), shall be used with a court’s

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electronic public access system. Automated search programs may not be used on any other component of the court's electronic public access system. The court and the clerk together shall determine the criteria for authorizing any automated search programs. Such authorization may be revoked or modified at the combined discretion of the court and the clerk.

Authentication Requirements:

Members of the general public do not require a username or password to access information that is generally available to the public. For information that is accessible to individuals or entities beyond general public access, users must be authenticated to verify their role and associated access levels. Users must subscribe to the access system, and provide information to verify their identity. Users are then assigned a login account. At a minimum, users accessing records and information beyond general public access must have a user name and password, and have the ability to change their password using self-service within the access system.

Long-Term Retention and Archival Requirements:

Long-term retention of electronic records must be achieved in a manner that protects the records from degradation, loss of content, or problems with software compatibility as it relates to proper rendering of the records. Electronic records must be archived in accordance with the Retention Schedule by transferring them to the Archives of Michigan. For specific storage requirements for electronic documents, see [Section 3.1.2.3](#).

Section 3: Creation, Filing, Maintenance, and Retention

3.0 Introduction

This section sets forth the standards and procedures associated with trial court records up to the point they are either transferred to the State Archives of Michigan or destroyed in accordance with the Retention Schedule. Trial court staff are required to comply with these standards and procedures. Additionally, the trial court is required to ensure that these standards are adhered to by any system provider contracted by the trial court to provide a system for creating, receiving, maintaining, and using court records.

Each of the standards is identified as a separate component and provides, at a minimum, the technical criteria for the component. Each component may also contain procedures, authoritative citations, and cross references to other components or sources of relevant information. Unless stated otherwise, the standards apply to both paper and electronic records.

The standards in this section focus on the following areas of records management:

[3.1 - Methods for filing, serving, transmitting, and storing case records.](#)

[3.2 - Collecting, entering, and storing case management system \(CMS\) data.](#)

[3.3 - Processing and managing active case files and case-related records.](#)

[3.4 - Processing and managing other court records.](#)

3.1 Filing, Service, Transmission, and Storage Methods

This section identifies and describes the approved methods for filing, serving, transmitting and storing case and other court records (documents and data). These standards apply to courts and any provider of a system that creates, receives, transmits, uses, and stores court records.

3.1.1 Methods for Filing and Serving Case and Other Records

(previously covered, in part, by Components 3, 4, and 38 of the Michigan Trial Court Case File Management Standards)

- The filing of pleadings and other materials with the court, as required by Michigan Court Rules, must be with the clerk of the court in accordance with standards prescribed by MCR 1.109(D). MCL 600.1974.
- All pleadings and other documents prepared for filing in the courts of this state and all documents prepared by a court for placement in a case file must be on good quality 8 ½ by 11 inch paper or transmitted through an approved electronic means. MCR 1.109(D)(1). See [Section 3.3 – Case Records](#) for case record maintenance and retention standards.

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Paper Method:

- Until electronic filing is implemented statewide, in-person submission and mail through the postal service remain the primary methods for filing documents.
- Documents may not be filed with the court by e-mail.
- After electronic filing is implemented throughout the state, filing on paper is authorized only as prescribed in MCR 1.109(G)(3)(g) and these standards.

Electronic Method:

- Courts shall implement electronic filing and electronic service capabilities in accordance with Michigan Court Rules and shall comply with the standards established by the State Court Administrative Office. MCR 1.109(G)(2).
- A court shall accept electronic filing and permit electronic service of documents, comply with the electronic filing guidelines and plans approved by the State Court Administrative Office, and maintain electronic documents in conformance with the electronic document management standards established by the State Court Administrative Office. MCR 1.109(G)(3)(a). See [Section 3.1.2.3. – Electronic Case Data and Documents](#) and [3.3.1 – Components of Case File Records and Related Procedures](#).
- A court may use the electronic filing system to electronically serve notices, orders, opinions, and other documents. MCR 1.109(G)(3)(e). Except when e-Filing has been implemented, a court may serve a party by e-mail if the party filed an agreement with the court for service in this manner. Service by e-mail must be made in accordance with MCR 2.107(C)(4).
- On receipt of a submission, the electronic filing system shall record the electronic filing transaction (EFT). The system shall maintain for every court a record of each EFT in accordance with the Retention Schedule and these standards. MCR 1.109(G)(5)(c). The EFT record shall include the name and location of the court, an electronic filing system (EFS) number (see [Section 3.3.1.2](#)), the case number and petition number (when applicable), date and time submitted, the date and time received, the size of the transmission, whether the filing was accepted or rejected, and the date and time of acceptance or rejection status. If a case is new, the EFT record shall also include an electronic filing system number. The EFT record is not case history but is a distinct audit log and can be used by the court for resolving issues of transmission failure. MCR 1.109(G)(7). Documents submitted or transmitted to the court for purposes other than filing in a case file shall also be recorded in the EFT record.
- On transmission of a document, the electronic filing system shall record the electronic-service transaction (EST). The system shall maintain for every court a record of each EST in accordance with the Retention Schedule and these standards. MCR 1.109(G)(6)(c). The EST record shall include the date and time the service notice was transmitted, the name of the recipient, the e-mail address of the recipient, and the date and time the notice was opened. The EST record is not case history but is a distinct audit log and can be used by the court for resolving issues of transmission failure. MCR 1.109(G)(7).

For electronic document management system standards, see [Section 3.1.2.3](#).

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Facsimile and Other Methods:

(previously included in Component 38 of the Michigan Trial Court Case File Management Standards)

- Courts shall not permit documents to be filed by e-mail. The only authorized electronic means are the electronic filing system, facsimile, and direct interface between an executive branch agency and the courts.
- Courts may permit the filing of uniform law citations by electronic means (this does not include e-mail) other than through the electronic filing system. MCR 4.101(A)(1) and MCR 6.615(A).
- Except where e-Filing is implemented, a court may permit the filing of pleadings, motions, affidavits, opinions, orders, or other documents by the use of facsimile communication equipment. Documents filed by facsimile communication equipment are considered original documents. MCR 2.406. See also [Section 3.3.1.4 – Minimum Filing Requirements](#).
- In addition to using the e-Filing system, other electronic equipment (such as facsimile, voice communication equipment, smart phones, electronic tablets, and e-mail) can be used to: 1) issue arrest warrants, 2) receive affidavits for search warrants and to issue search warrants, 3) receive requests for and to issue orders of transport, orders for apprehension, and orders to take into protective custody, and 4) transmit warrants and orders to law enforcement. MCL 712A.14b, MCL 764.1, MCL 780.651, and *People v Snyder*, 181 Mich App 768 (1989); *People v Paul*, 203 Mich App 55 (1993).
- Facsimile can be used to transmit original signed orders to law enforcement for entry into LEIN.
- See [Section 3.3.1.11](#) for the court processing standards for electronically issued and transmitted warrants and similar orders (arrest warrants, search warrants, orders for transport, orders for apprehension, orders to take into protective custody, bench warrants) and [Section 3.4.2.1](#) for maintenance and retention standards for search warrants.

3.1.2 Storage Methods

3.1.2.1 Active Paper Records - Workflow, Space, Equipment, and Supplies

(previously labeled Component 30 of the Michigan Trial Court Case File Management Standards)

Filing Considerations:

In a paper-based filing system, filing equipment and workflow should be viewed in the context of the four distinct phases of case processing so that the system provides a continuum of activity from creation to disposal of the records (destroyed, or when required, transferred to the Archives of Michigan). The filing system will affect the flow of paper and workflow in the court; therefore, staff, files, and equipment should be located in relation to each other.

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- Case Initiation:
 - 1) After a case file has been opened, it must contain all case-related documents (except nonrecords) to facilitate active case monitoring.
 - 2) We recommend active cases be stored by case-type group and year filed. Organizing files in an alphabetical system requires continual movement of files to accommodate increasing caseload.
- Active Case Monitoring:
 - 1) Administrative control over case processing is essential so that case files and other case-related records can be located quickly when needed.
 - 2) Determine whether the court needs a centralized active file room or decentralized filing scheme with files for each case-processing section near the staff working with them.
 - 3) The size and organization of court staff may affect the organization and location of active files.
- Case Disposition to Closing:
 - 1) Develop standard case-closing procedures for organizing and moving inactive or closed case files to inactive storage, especially for case-type groups that require a closed date in the case management system and that are disposed according to that closed date.
 - 2) For some case types, cases are designated as closed in the case management system. For other case types, there is no designation and the files are moved to inactive storage because active storage space is needed for pending cases and more recently disposed cases.
 - 3) In some instances, case files should be organized by the date that triggers the retention period for ease in processing (e.g., the retention periods for cases based on either a filing date, disposed date, close date, or birth date).
 - 4) Before moving closed or inactive cases to inactive storage, we recommend that courts generate an essential data fields exception report for those cases to verify that all essential case history data has been recorded.
 - 5) Details for storage and disposal criteria by case-type group are in [Section 4](#).
- Postadjudication:
 - 1) Depending on the type of case and the frequency of postjudgment activity, active case files and supporting records may be moved to an inactive storage area because of the reduced need for rapid access and to make room in the active filing system for new records.
 - 2) Organize files into case-type groups to facilitate future disposal, and consider inactive scanning or microfilming when that is the most cost-effective and efficient method for long-term storage. See [Section 4](#).
 - 3) Some records may have to be kept active for further processing, including appeal processing.
 - 4) Records which are reopened for further actions such as criminal postconviction relief, garnishment or other civil judgment collection, or support enforcement should be kept with active files.

Assessing Space and Equipment Needs for Active Paper-Based Filing Systems:

There are four basic considerations for filing systems for each type of record: (1) type of record or record series, (2) filing arrangement, (3) filing equipment, and (4) filing supplies. See [Appendix B](#) for a formula to assess filing space.

- **List Components of Present System:**
Prepare a chart or list of the present location of files, record series title, span of years, inclusive case numbers and number of case files, status of files, files per inch, volume in cubic feet, equipment quantity and type, and any other pertinent information.
- **Determine Filing Arrangement:**
 - 1) Analyze the information collected to determine how large the active filing and inactive systems need to be for each case type. A general rule is that when 90 to 95 percent of the cases for a given year are no longer active, they should be moved in mass to inactive storage.
 - 2) For each group of case types, calculate the average number of cases per file inch. From that calculate the number of filing inches needed for active files, allowing some space for growth.
 - 3) An alternative to keeping case files in one-year numerical blocks is to move them to inactive storage as they become inactive/closed. This requires a cross reference either on the file shelf, in the index, or in the case history so that the appropriate storage box can be located when an inactive file is needed. A few lingering cases should not be used as an excuse to keep large quantities of unneeded inactive records in prime office space.
 - 4) Case types that have a higher-than-average reopening rate such as domestic relations cases do not need to be kept in the active filing system numerically in whole-year blocks since the reactivated cases can be retrieved individually as needed.
 - 5) Develop a realistic policy for moving case files to an inactive status to ease office congestion.
- **Filing Equipment:**
 - 1) Based on the number of filing inches needed for active files, use the conversion chart in [Appendix B](#) to determine the filing equipment needed. By calculating the number of active files (by filing inches) that probably will be on hand at any given time, the size of the active filing system can be kept fairly constant.
 - 2) Filing equipment and supplies should comprise no more than 15 to 30 percent of total system costs. A simple filing system is preferable, provided it can efficiently accommodate needs of the present and foreseeable future.
 - 3) Match filing equipment to court use. Avoid forcing files into outdated or inadequate filing equipment.
 - 4) For increased compaction, consider high density filing systems (high-quality open shelving mounted on tracks to form movable aisles). However, there are trade-offs in speed of access and higher installation costs, so this type of filing should be carefully evaluated before being adopted.
 - 5) Plan the basic filing-equipment design and layout.
 - 6) Most common types of equipment include: (a) fixed lateral shelving, (b) hanging open-box, (c) movable lateral shelving, (d) drawer filing, (e) transfer boxes, (f)

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mechanized filing, (g) card files, (h) top or open reference, and (i) microfilm filing.

- Filing Supplies (see also [Section 3.3.1.6 – Case-File Folder](#)):
 - 1) Determine appropriate internal components such as file folders, file guides, file supports, and out-folders.
 - 2) In selecting a file folder, become familiar with the variety of sturdiness and other features and choose a folder that suits the application and meets the criteria of cost effectiveness and efficiency.
 - 3) In an open-shelf lateral-filing system, the tab should be on the side of the folder. A full side tab is recommended to accommodate color-coded numbers and letters for the case number.
 - 4) Standard two-inch file (or Acco) fasteners help keep papers in their proper chronological order, although documents have to be punched or drilled. Two fasteners on the right and left sides of a file folder can be used, but this requires more care in training as to which documents should be filed on the right and left sides. Fasteners should be factory-applied or of the self-adhesive type.
 - 5) A self-adhesive label is cost-efficient and easy to prepare and apply to the front of a file folder.
 - 6) File guides act as internal signposts in the active filing system. They identify sections to speed up retrieval and refiling. Place them every 50 or so folders or every 6 to 10 inches apart. Choose the right quantity and a good quality of file guides.
 - 7) Bar code/scanning options, out-cards or out-folders should be used. An out-card should be made of stiff card stock with preprinted entries for the date, case number, and name of the individual who checked out the file. Out-folders are generally made of durable vinyl with a clear plastic diagonal pocket to place new documents received until the file is returned and a clear plastic pocket which holds a three- x five-inch out-slip containing the date, case number, and name of the individual who checked out the file.
- Color Coding (optional):
 - 1) Color coding is used on the file tab to identify the case number (year, number, and case-type code). The banks should line up with each other on an open-shelf lateral file to distinguish between ones, tens, hundreds, and thousands.
 - 2) Use folders with the color bands affixed by the manufacturer, reserving hand-applied colored tabs for overflow backup folders in voluminous cases.
 - 3) Vendors have their own color-coding scheme, so choose a vendor that can be relied on for resupply of folders and labels.
- Support Equipment/Filing Accessories:
 - 1) Consider filing accessories such as retractable work shelves, placed every three or four units apart, on which to lay files when the files are being updated.

- 2) Use of file carts especially designed to move files around can aid in sorting files for delivery or refileing.
- 3) Use of sorting devices can aid in the preliminary arrangement of records for filing.

See [Appendix B](#) for formulas to assess filing space needs, for a volume and linear dimension conversion table, and for a guide for equipment evaluation.

3.1.2.2 Inactive Paper Records

(previously labeled Component 31 of the Michigan Trial Court Case File Management Standards)

By definition and design, an active filing system will lead to a continuous movement of records from active to an inactive filing system or records storage area. Records move much slower in an inactive records storage area than in an active filing system, but records are being added, individual records continue to be accessed periodically, and material must be moved out for destruction or transfer to the Archives of Michigan.

The purpose of inactive records storage is simply to move inactive/closed case files from prime space to lower-cost space where records may be more densely packed and are accessed with decreasing frequency as they become older. An inactive system is easier to expand as the need arises than an active filing system.

The Retention Schedule is the primary tool used to manage accumulations of records. It identifies records that can be destroyed and those that should be retained. With information about active files and retention periods for inactive records, the general amount of storage space needed over a fairly long period can be determined.

Assessing Amount of Inactive Records:

- Determine what and how many inactive records are on hand.
- Use the same type of inventory or survey used for the active filing system to plan and design an accessible and workable inactive records storage system.

Options for Records Storage:

- Three main options for long-term inactive records storage should be considered: (1) in-house, court-controlled inactive storage, (2) records center run by the city, county, or state, or (3) commercial records storage facility.

Records Storage Facilities:

- Make the greatest possible use of the space (width, depth, and height).
- Provide for reasonable access (aisle width) to stored records.
- Provide for adequate lighting. Aisle ways should be lighted for safety and aid in working conditions. Consider zoned lighting to conserve energy. Install more light in office and research areas.

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- Provide for security and protection of stored records against fire, water, environment, pests and vermin, vandalism, theft, and loss.
- Consider including space for researchers to review records, an office for staff, and a work area for processing records or for scanning and/or microfilm preparation.

Safety and Environmental Considerations:

- Fire Damage:
 - 1) Institute prevention policies, including cleanliness, electrical system maintenance, and a prohibition on smoking.
 - 2) Stress early detection by installing smoke alarms.
 - 3) Consider installing fire alarms, fire extinguishers, and a sprinkler system (250-286 degrees Fahrenheit rating; independently activated heads).
- Water Damage:
 - 1) Eliminate/avoid overhead pipes.
 - 2) Ensure that the bottom of the lowest shelf is at least four inches off the floor.
- Environmental Damage:
 - 1) Maintain the optimal temperature range (65-75 degrees Fahrenheit).
 - 2) Maintain the optimal humidity range (50-60 percent).
- Preventing Pest and Vermin Damage:
 - 1) Call the exterminator as soon as signs appear.
 - 2) Take preventive action to prevent a recurrence.
- Preventing Vandalism, Theft, and Loss:
 - 1) Establish and enforce an access control policy.
 - 2) Install a special security cage for confidential and sensitive records.

Inactive Records Storage Equipment:

- Steel-frame warehouse-type shelving is recommended.
- Shelves may be plywood or 5/8-inch particle board.
- For lateral side-tabbed files, a front-opening box is recommended.
- Stack boxes two high on each shelf and two deep for increased density.
- Select shelving strong enough for full records boxes that weigh 30 to 50 pounds each.
- Design the system so shelving uses most of the vertical space within a room not to exceed 12-14 feet).
- Have on hand a good-quality stepladder on wheels that lock down when the ladder is mounted.

Records Storage-Area Supplies:

- For bound books and odd-sized material, determine special equipment configurations and box sizes.
- Use standard top-opening, one-cubic-foot records storage boxes. Legal-size files can be placed in the box lengthwise and letter-size breadthwise.

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- Avoid 2 ½ cubic-foot storage boxes and drawer-type transfer boxes since they can cost three or four times as much as a standard box and weigh 80 to 90 pounds when full.
- Use 15 x 12 x 9.75” boxes for records that will be transferred to Archives of Michigan, and follow Archives guidelines.
- If appropriate, consider movable shelving for greater compaction. Costs are substantially higher than a basic warehouse-shelving and storage-box system.

Managing Inactive Records-Storage Area: A procedures manual should be developed to ensure orderly and efficient operation of inactive storage and to state policies concerning access to and control of the records. Other operational considerations are listed below.

- **Space-Numbering System:**
Use a space-numbering system to indicate the location of each box within the facility and as a cross reference in the facility index. Two methods of numbering are by row-space number and by sequential zigzag (used in smaller facilities). In row-space numbering, each aisle is given a sequential number and each row is evenly subdivided into spaces. In sequential-zigzag numbering, neither the aisles nor rows are numbered.
- **Indexing:**
Existing alphabetic indexes can be used to determine a particular case number. However, a special index should be maintained to determine the status and location of each inactive file since they may be reactivated and returned to active records areas, transferred to archives, or destroyed. The simplest method is a transfer list consisting of the case number, location, and status of each record. The case history (register of actions) may be used as a transfer list by simply adding the appropriate information.
- **Initial Storage:**
 - 1) Pack records for inactive storage when they are still in active storage rooms.
 - 2) Clearly label the box on the end facing the aisle with case numbers included and any exceptions.
 - 3) Assign boxes the appropriate sequential box number.
 - 4) Write the box number and records-series information on the transfer list.
 - 5) Write the storage space to be occupied on the box and the transfer list.
 - 6) Maintain one copy of the transfer list in the clerk’s office and another in the storage area.
 - 7) Write any further transfers (to remote storage or archives) on the transfer list.
- **Access Retrieval and Charge-Out Procedure:**
 - 1) Limit access to authorized court records personnel.
 - 2) Have persons desiring records located in a storage area fill out a request form.
 - 3) Periodically prepare statistics regarding access to the records from the request forms to determine which records are no longer needed locally and can be transferred to a more remote storage area.
 - 4) Use a charge-out card listing the borrower and record title. Place it in the box in place of the removed record. A multipart form can be used, one part being attached to the charge-out card, the second part given to the borrower, and the third part placed in a tickler file for follow-up. Require the borrower to sign for

- the borrowed record.
- 5) Do not allow the case file to leave the clerk's office or courthouse facilities.
 - 6) Provide adequate reproduction equipment to produce document copies when required.
- Refiles and Interfiles:
 - 1) After use, return inactive case files in batches to their proper location.
 - 2) Interfiling consists of adding documents to the existing records. When permitted, some postjudgment documents can be batch-filed separately from the case files.
 - Reactivated Cases:
 - 1) When an inactive case is reactivated, retrieve the folder and refile in the active filing system.
 - 2) Use the charge-out card to note the status and location of the reactivated file. Keep the space open in inactive storage that was previously occupied by the file.
 - 3) When the file is returned to inactive storage, replace in the proper filing order.
 - Disposal of Record:
 - 1) Dispose of or remove records in a court-operated inactive-records facility on a regular basis according to the requirements of the records retention and disposal schedule. See [Section 4](#) for details.
 - 2) Secure written authorization for disposal.
 - 3) Update the transfer list or other index as records are disposed (transferred or destroyed).

3.1.2.3 Electronic Case Data and Documents

Authenticity of Electronic Case Documents and Data:

An electronic case record (both data and documents) is useful only if it continues to exist in a form that allows it to be retrieved, and, after retrieved, provides reliable and authentic evidence of the activity which produced the record. This is referred to as digital continuity or record integrity.

The authenticity of an electronic record can be demonstrated by verifying that:

- the right document and/or data was put into storage properly;
- either nothing happened in storage to change this document and/or data or, alternatively, any changes in the document and/or data over time are insignificant;
- all the correct documents and/or data and only the correct documents and/or data were retrieved from storage;
- the processing was executed correctly to output an authentic reproduction of the record;
- appropriate security technology and procedures are in place and followed by all; and
- activity audit tracking is in place for both the system and documents.

Authenticity can also be demonstrated by verifying that security and auditing are in place and that the files and metadata are consistent with what was originally stored by the electronic document management system (EDMS). To save metadata about electronically born records and to maintain as much functionality as possible, we

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recommend that electronically born records be retained in their native format until it is necessary to migrate the records (see Maintenance of Electronic Case Data and Documents for Retention Period below for details).

Electronic Case Management System Requirement:

Courts are required to store case data in an electronic case management system (CMS). MCR 8.119(D)(1)(a).

Electronic Document Management System Requirement:

- Courts are required to store electronic case documents in an EDMS to ensure the ability to use information in the way needed, for its retention requirements. This requires active management of information through change so that it remains complete, available, and usable in the way needed.
- As electronic filing is implemented, courts can choose the state MiFILE Cloud DMS or purchase their own systems. Digital imaging systems that are used to produce electronic images of paper documents through use of scanning equipment are not necessarily electronic document management systems.
- Courts must not store electronic case documents on an office drive; the EDMS will typically have its own server(s) with the features described in these standards, including security and activity audit tracking.
- A court that purchases its own EDMS or that uses a digital imaging system to store electronic case documents must comply with these standards, must back up the EDMS regularly, and must have a disaster recovery plan in place.

1. EDMS Functional Standards (Required):

a. General Requirements

- 1) Ability to capture, manage, and retrieve records
- 2) Ability to implement and maintain metadata tagging
- 3) Ability to maintain record integrity
- 4) Ability to provide open standards interfaces, including accepting and filing records from producing applications and the routing of documents
- 5) Ability to support applicable security standards and activity audit tracking
- 6) Ability to handle document disposal

b. Specific Requirements

1) Capturing, Managing and Retrieving Records

- a) Ability to create, edit, and delete file plan components and identifiers

Mandatory File Plan Components

- Record category name
- Record category identifier
- Record category description
- Disposition instructions
- Disposition authority
- Transfer to Archives indicator

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- b) Ability to create, edit, and delete record folder components and identifiers
- c) Ability to create, edit, and delete metadata elements or attributes
 - Mandatory Record Metadata Components
 - Record identifiers, marking, and indicators
 - Record descriptors (media type and format)
 - Record dates
 - Producing application and version and PDF version
- d) Ability to capture and populate metadata
- e) Ability to capture and store transmission and receipt data from e-Filing system
- f) Ability to capture (scan) documents
- g) Ability to file, annotate, and redact
- h) Ability to search, view, copy, save, store, and print
- i) Ability to schedule records for retention and disposal
- j) Ability to associate attributes of a record folder to a record
- k) Ability to support all electronic formats prescribed in [3.3.1.4 – Minimum Filing Requirements](#)
- l) Ability to store e-mails
- m) Repository (direct access device on which electronic records and metadata are stored)
- n) Storage space for nonactive records
- o) Storage availability and monitoring (including offsite storage)
- 2) Maintaining Integrity
 - a) Ability to control access
 - define, update, assign permissions
 - view, modify, copy, link, print records and metadata
 - prevent unauthorized access to repository
 - export, backup, and remove audit files
 - b) Addition, designation, and version control, including ability to revert to previous document versions
 - c) Audit functions
 - Ability to log actions, date, time, object identifiers, and user identifiers for user accounts, user groups, records and record folders, associated metadata elements, and file plan components
 - Audit analysis functionality
 - d) Ability to read and process stored records in same manner as original by either
 - backward compatibility
 - maintaining hardware and software used to create or capture the record
 - maintaining hardware and software capable of viewing the record in its native format
 - migrating the record to a new format before the old format becomes obsolete

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- e) Safeguard/lockout/timeout features
 - f) Ability to backup stored records
 - g) Ability to store backup copies off-line and at separate location(s) to safeguard against loss
 - h) Data integrity and disaster recovery capability
 - i) Rebuild capability; necessary for reconstructing records management environment after a disaster
- 3) Records Disposal (includes transfer and destruction)
- a) Ability to schedule records for retention and disposal (records management feature)
 - b) Ability to secure access, maintain context within a record series, and execute disposition instructions for all records in the system (records management feature)
 - c) Ability to preserve a record's required metadata (records management feature)
 - d) Ability to transfer required electronic documents and any associated metadata to the Archives of Michigan at the end of the relevant retention periods prescribed in the Retention Schedule (court must contact Archives for guidance)
2. Maintenance of Electronic Case Data and Documents for Retention Period:
- a. Courts are required to maintain electronic case data and documents for their full retention periods as prescribed in the Retention Schedule.
 - b. Most electronic case data and documents will be kept longer than the original technology that was used to create them and new technology is not always compatible with older technology. Long-term retention of electronic records must be achieved in a manner that protects the records from degradation, loss of content, or inability to access. Therefore, in order to ensure electronic case documents can be used in the way needed for as long as needed, the documents should not be stored in their original software format and on their original storage media for their entire retention period.
 - c. Courts must ensure that all electronic case documents with long term retention requirements are migrated to a new file format before current technology becomes obsolete. Long-term retention means the life of an electronic record is expected to be longer than the life of the technology used. This is generally about 10 years, but it can vary.
 - d. Courts are also responsible for ensuring that all electronic records remain accessible as technology is upgraded or changed. Each time technology upgrades, courts should inform their information technology staff of the need to migrate their electronic case data and documents to the new technology.
 - e. Backup capability must ensure synchronization between all record category, file plan, folder, record metadata, and content repositories. Backup copies must be destroyed in accordance with the Retention Schedule. Backup processes should be tested to ensure they are copying all of the records and data as intended.

3. Preservation of Electronic Case Data and Documents after Retention Period:
Preservation of electronic records is the responsibility of the Archives of Michigan and courts must transfer records as required by the Retention Schedule. See [Section 1.7](#) and [Section 4](#) for details. Archives of Michigan uses Preservica, a cloud-hosted and on-premise active digital preservation software to preserve electronic court records. This standards-based software ensures that content is safely stored, can be found and trusted, is secure, and is updated to future formats.

4. EDMS Recommended Features:
 - a. Document imaging and workflow integration to support the creation and management of electronic documents and related data, and to maximize productivity.
 - b. Retrieval assistance and free-text search (not just search capability of metadata).
 - c. Ability to make global changes to record category names, record category identifiers, and disposition components.
 - d. Ability to reorganize the file plan and automatically propagate the changes from the reorganization.
 - e. Ability to bulk load a file plan, electronic records, and record metadata.
 - f. Interfaces with CMS, e-mail, word processing, MiFILE, and other applications.
 - g. Ability to write and generate reports.
 - h. Web capability and viewer.

Recommended Resources:

1. Developing an Electronic Records Preservation and Disposition Plan: Resource Bulletin.
<https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/6JTC%20E%20Records%2010%20FINAL.ashx>
2. Electronic Records Management Guide for the Judiciary
https://nacmnet.org/sites/default/files/NACM_ERM_GuideFINAL.pdf
3. The NDSA Levels of Digital Preservation: An Explanation and Uses
https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Webinar%20Materials/eRecords/Handout%203%20-%20NDSA_Levels_Archiving_2013.ashx
4. Department of Defense 5015.2 Standard
<http://jitic.fhu.disa.mil/projects/rma/downloads/p50152stdapr07.pdf>
5. JTC Resource Bulletin, Making the Case for Judicial Tools
<https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Judicial%20Tools%201%200%20FINAL.ashx>
6. JTC Resource Bulletin, Implementing Judicial Tools
<https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Judicial%20Tools%20II%2003-14-2016%20FINAL.ashx>

3.1.2.4. Digital Imaging and Micrographics

(previously labeled Component 37 of the Michigan Trial Court Case File Management Standards)

Definition and Purpose:

- Digital imaging is the reproduction of paper documents to electronic images through the use of scanning equipment. Micrographics is the production, handling, and use of microfilm or microfiche. Although considered obsolete with the advent of the Internet, microfilm is still a viable means of long-term retention and it is still a viable medium. If stored properly, it can last well over 100 years.
- Digital imaging and micrographics may be used to replace a record (making a suitable-duplicate copy) in accordance with the Records Reproduction Act, MCL 24.401 *et seq.*
- Except where e-Filing has already been implemented, if a court chooses to reproduce a record under the Records Reproduction Act at any time after it has been filed with the court, that record can be destroyed as soon as the court has ensured the accuracy and quality of the reproduction. The reproduction is a suitable-duplicate, becomes the official record, and must be retained for the full retention period in the Retention Schedule.
- If digital imaging or micrographics is used, applications should be integrated into the activities of the court system pertaining to the receipt, processing, distribution, and storage of documents.
- To ensure the integrity of trial court records and to adequately comply with the long-term retention periods required by statutes and court rules, trial courts must comply with the technical standards adopted by the [Michigan Department of Technology, Management, and Budget – Records Management Services](#).
- Digital imaging is only a means of reproducing documents, not a method of storage. Records reproduced through a digital imaging system are subject to the maintenance and storage standards for electronic documents in [Section 3.1.2.3](#).
- Microfilm or microfiche can deteriorate. The most common deterioration is “vinegar syndrome,” which results from a chemical reaction in the film or fiche that causes serious and irreparable damage. Once this chemical reaction begins, deterioration continues at an exponential rate and it often affects film or fiche in close proximity. For information about how to determine the condition of microfilm and options and resources for dealing with problems, contact [Records Management Services](#).

Considerations for Imaging or Microfilming Inactive Records:

- Requirements of an imaging/micrographics system for existing paper records should take into account the length of time records must be kept in accordance with the Retention Schedule and the costs and benefits of present procedures compared to an imaging or a micrographics system. Cost components include: (1) equipment such as purchase or rental, work stations, maintenance, etc.; (2) supplies; (3) personnel; (4) facilities; and (5) service bureaus, to compare against in-house micrographics operations.
- The use of imaging or micrographics for active paper files should be justified by the requirements of operations.

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- If case files continue to be microfilmed, they should be microfilmed by case-type groups, and preferably by retention period. If that is not practical, each roll containing multiple retention periods must be kept until the latest retention period has been reached for the case type groups on that particular roll, or in the alternative, each roll must be kept until 100 years from the latest year filmed on that particular roll.
- The use of micrographics or imaging for inactive paper records should be justified by the requirements of the Retention Schedule and need for access. Avoid filming or imaging every document in a case file unless essential. Oftentimes, the case history (paper register of actions), pertinent pleadings or other papers, and dispositive documents are all that need to be reproduced.

Procedures and Technical Requirements:

- Develop guidelines for the program, including procedures regarding: (1) document preparation; (2) reproduction/imaging/filming; (3) processing and developing; (4) inspection and quality-control for determining and monitoring quality; (5) duplication of original film, disk, etc.; (6) storage of film, disk, etc.; and (7) destruction of originals.
- Trial courts must observe the policies, standards, and guidelines of the Michigan Department of Technology, Management & Budget, [Records Management Services](#), for record reproduction. If imaging records, trial courts must also comply with the [Michigan Trial Court Guidelines and Standards for Digital Imaging](#).
- Records Management Services administers master contracts with vendors that provide microfilming, digital imaging, and media storage services. Courts may use these competitively-bid contracts. Records Management Services provides consulting services to courts that use these contracts to develop a “Statement of Work” that defines the work that will be done and that establishes quality measures. Questions about these contracts may be addressed to Caryn Wojcik at 517-335-8222 or wojcik@michigan.gov.

Cross References: For information on SCAO reproduction policies, see [Section 1.3](#).

3.2 Data

3.2.1 Data Standards

Authority:

In order to ensure effective administration of trial court information systems and facilitate the efficient exchange of trial court case information, the State Court Administrator is required to establish court data standards. Chief judges are to take necessary action to ensure their courts' information systems comply with any data and records management standards established by the State Court Administrator. [AO No. 1997-8 — Establishment of Court Data Standards](#).

Purpose:

Data integrity is crucial to managing the caseload of the court, creating and maintaining a complete and accurate history of court cases, complying with statutory and court rule processing and reporting requirements, and comparing data statewide. The collection of structured data starts at the point of filing and continues through the life cycle of a case. Therefore, it is critical that courts comply with data standards.

3.2.2 Case History and Future Action Information

3.2.2.1 Case History

(previously labeled Component 14 of the Michigan Trial Court Case File Management Standards)

Content and Maintenance in General:

- The case history data of each case is commonly referred to as a register of actions and summarizes the complete history of a case. Because the case history data may be the only record remaining after case files and their contents are disposed pursuant to the Retention Schedule, it is vital that case history be updated regularly and with as much specificity as possible.
 - In reference to case history, terms such as “journal,” “docket,” “docket entry,” “case file information,” or any other synonymous term are obsolete. Journals are not required except for recording marriages, and the case history replaces a docket. MCR 8.119(D); MCL 551.7.
 - Case history data essential to meet long-term retention requirements and reporting requirements has been listed separately in [Section 3.2.3](#). The list can be used to verify that the case management system is programmed for reporting requirements and generating reports of case files eligible for disposal under the Retention Schedule.
 - After case files have been transferred or destroyed in accordance with the Retention Schedule, these essential data fields are the official court record until they also are eligible for transfer or destruction.
- The clerk of the court must keep and maintain a case history of each case in the court's automated case management system. The automated case management system shall be capable of chronologically displaying the case history for each case and shall also be capable of searching a case by number or party name

(previously known as numerical and alphabetical indices) and displaying the case number, date of filing, names of parties, and names of any attorneys of record. MCR 8.119(D)(1)(a).

- Each notation in the case history shall be brief, but shall show the nature of each item filed, each order or judgment of the court, and the returns showing execution. Each entry shall be dated with not only the date of filing, but with the date of entry and shall indicate the person recording the action, except that where e-Filing is implemented, it shall indicate that MiFILE is recording the action. MCR 8.119(D)(1)(a).
- Any notation to case history that is made as a result of electronic filing and electronic-service system transactions shall be recorded on the case history of the case to which the transaction pertains and is limited to the contents of case history. The record of electronic filing and electronic-service system transactions required by MCR 1.109(G)(5)(c) and (6)(c) is not case history but is a distinct audit record for use by the court for resolving issues of transmission failure. MCR 1.109(G)(7).
- A party filing an initiating pleading and a party filing a response or answer to an initiating pleading shall also provide specified case information in the form and manner established by State Court Administrative Office. A case initiating pleading is the document that commences an action or case. All specified case information provided by a party when filing an initiating pleading or a response or answer shall be recorded in the case history. MCR 1.109(D)(1), (2); MCR 8.119(D)(1)(a).
- Protected personal identifying information that may be provided by a party as part of the case initiation information includes:
 - 1) date of birth
 - 2) last four digits of social security number or national identification number,
 - 3) driver's license number or state-issued personal identification card number,
 - 4) passport number, and
 - 5) financial account numbers.
- Documents and other materials filed with the clerk of the court and placed in a "social" file or that are confidential must be recorded in the case history as filed even if they are maintained separately from the case file.
- Names of victims included in documents filed with the court shall not be recorded in the case management system.
- Activity associated with trial court collections efforts must be entered into the case management system. See [Section 3.4.1.1 - Trial Court Collections Activity](#).

System Data and Document Codes:

Courts shall enter codes into the case management system for all required data. A court may use standard SCAO-recommended codes or its own local codes, but any local codes must have the same meaning as the SCAO codes.

Courts shall enter codes into the electronic document management system for all documents. A court may use standard SCAO-recommended codes or its own local codes, but any local codes must have the same meaning as the SCAO codes.

Required Content and Uses:

The case history must contain the following information.

- **Case Identification Information:**
 - 1) Case number, including the case-type code (also displays in a search index).
 - 2) Case name - names of the parties or title of the action or proceeding (also displays in a search index).
- **Case Initiation Information:**
 - 1) Addresses and telephone numbers for parties.
 - 2) Protected personal identifying information as defined in MCR 1.109(G)(9).
 - 3) CTN/TCN and SID (for criminal and juvenile delinquency only).
- **Case Filing and Event Information:**
 - 1) Attorneys of record (also displays in a search index), including names, business addresses and telephone numbers, bar numbers, and FEIN numbers.
 - 2) Filing date (also displays in a search index).
 - 3) Fees paid (when applicable).
 - 4) Judge assigned to the case.
 - 5) Represented by attorney or attorney representation waived.
 - 6) Date process was issued and returned, as well as date of service.
 - 7) Date and title of each filed item (prejudgment and postjudgment).
 - 8) Each event and type of action, and the result of that action.
 - 9) Date of scheduled trials, hearings, and other appearances or reviews, including a notation indicating whether the proceedings were heard on the record and the name and certification number of the court reporter or recorder present.
- **Adjudicative/Dispositive Information: (as applicable)**
 - 1) Offense/Allegation date.
 - 2) Offenses/Charges/Allegations.
 - 3) Orders, judgments, and verdicts.
 - 4) Judge at adjudication.
 - 5) Date of adjudication/conviction/deferral/placement on consent calendar.
 - 6) Adjudication/conviction (guilty, not guilty, not guilty by reason of insanity, responsible, not responsible, etc.).
 - 7) Manner of adjudication/deferral (admission/plea, nolo contendere, jury/bench verdict, waiver, nolle prosequi, dismissed, denied, default, settled, consent calendar, designation granted, transferred, order issued/entered, inactive status, etc.).
 - 8) Judge at disposition/sentencing.
 - 9) Date of disposition/sentencing.
 - 10) Manner of disposition (deferred, sentenced, delayed sentence, home, foster care, institution, probation, etc.).
 - 11) Type of deferral (HYTA, 7411, Spouse Abuse, etc.)

- 12) Judgment date and judgment amount for each civil judgment creditor and debtor and the name of each judgment creditor and debtor, and if no money judgment, other relevant summary detailing the judgment.
 - 13) Transaction data associated with court-ordered obligations in criminal, delinquency, and child protective proceedings, including initial assessment date, subsequent assessment dates (for 20% late fee and other amendments), assessment types, amounts ordered, frequency of payment and associated amount, begin and end dates, amounts paid and associated dates, and payment types.
- **Postjudgment Information:** (when applicable)
 - 1) Date and title of each judgment renewal.
 - 2) Date and title of each assignment of wages.
 - 3) Date and title of time payment agreement.
 - 4) Date and title of each late notice/letter issued.
 - 5) Date and title of each postjudgment document filed
 - 6) Date and title of each satisfaction of judgment.
 - 7) Amount and date of payments made on the judgment.
 - 8) Amount and date of collected payments disbursed in accordance with the judgment.
 - **Other Information:** (when applicable)
 - 1) Location of documents and materials filed apart from the case folder.
 - 2) Fees for officers, transportation, and jurors (if not maintained in the accounting system).
 - **Additional Caseload Information:**
 - 1) Closed date for criminal and civil (case-type groups A, B, Q, and R)
 - **Records Disposal Information:**
 - 1) Closed date for estates and trusts (case-type group T)
 - 2) Closed date for conservatorships, guardianship, and protective orders (case-type groups P and U)
 - 3) Date and method that case file is disposed at end of retention period (destroyed or transferred) (only case-type groups where the retention period for case files is less than the case history; if the case history is destroyed or transferred when the case file is, then it doesn't need to be recorded.)
 - 4) Expiration date of the most recent personal protection order in a given case (case-type group L)

Other Related Cites: MCL 600.8344; MCL 774.2; MCL 774.3; MCR 7.210(G).

3.2.2.2 Future Action Information

(previously labeled Component 15 of the Michigan Trial Court Case File Management Standards)

A case-monitoring system should be designed to keep track of cases that are removed from the court schedule with no specified alternate date and of changes that occur because of continuances that are granted. All cases should be flagged in some manner at adjudication (disposed) for statistical reporting purposes. After

adjudication, cases should be monitored as necessary until the case is closed. Court scheduling (see [Court Calendar and Docket in Section 3.4.1.2](#)) and case monitoring systems can be separate, but they are complementary activities.

Required Information:

- Every pending case must have a next-appearance or review date.
- Scheduling systems must reveal due/review dates of all future case events that have been scheduled.

Monitoring Procedures:

- Case-processing procedures vary depending on the type of case.
- Review case files on a regular basis until adjudication.
- Periodically check the scheduling system to make sure a case has not been overlooked.
- Follow-up action must be taken if a scheduled due date comes and goes without the required action.
- After a scheduled event has passed, determine the next appropriate action and update the case history.
- After adjudication, continue to monitor cases as required.
- Some case management systems have a next action date report to assist with this activity.

Other Related Cites: MCR 2.401(B)(1)(c); MCR 2.502; MCR 2.503;
Administrative Order No. 2013-12; [Caseflow Management Guide](#).

3.2.3. 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. These data fields must comply with any standard formats and particular naming conventions established by the State Court Administrative Office.

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

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Circuit Court Case Type Groups:

Case-Type Group A: Civil (AA, AE, AP, AR, AV, AH, AL, AS, AW, CB, CC, CD, CE, CF, CH, CK, CL, CP, CR, CZ, MA, MB, MD, MH, MK, MM, MP, MT, MZ, ND, NF, NH, NI, NM, NO, NP, NS, NZ, PC, PD, PR, PS, PZ)	
R L	1) Case number
R L	2) Party names and roles
R L	3) Date of filing, date inactive/stay, and any reopened date
R	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)
R	5) Assigned judge, judge at adjudication, and judge at disposition
R L	6) Manner of adjudication (order entered, dismissed, verdict, settled)
R L	7) Judgment date for each party (when applicable)
L	8) Judgment amount awarded to each party (when applicable)
R	9) Closed date (resolves last pending claim or otherwise closes case for caseload reporting)
L	10) Judgment renewal dates (when applicable)
L	11) Filing dates and event codes of all documents filed for postjudgment collection
Case-Type Group B: Criminal (AX, DJ, FC, FH, FJ)	
R L	1) Case number
R L	2) Party names and roles
	3) Parent names (DJ only)
R L	4) Date of filing, date inactive/stay, and any reopened date
R	5) Events that reopen the case for caseload reporting (remand or return, request to withdraw plea granted, report on competency received, dismissal of a case on inactive status, arraignment on warrant issued before adjudication)
R L	6) CTN/TCN
R L	7) SID
R L	8) Date of birth
R L	9) Offense date
R L	10) Offenses/Charges (PAAC codes, offense descriptions, and associated count numbers)
R	11) Assigned judge, judge at adjudication, and judge at disposition
L	12) Whether defendant/juvenile was represented by an attorney or waived representation
R L	13) Date of adjudication/conviction/deferral
R L	14) Adjudication/Conviction (guilty, not guilty, not guilty by reason of insanity)
R L	15) Manner of adjudication/deferral (plea, nolo contendere, jury verdict, bench verdict, nolle prosequi, dismissed, inactive status)
R	16) Date of disposition (CLOSED code used for caseload reporting purposes; based on type of order entered)
R L	17) Manner of disposition (deferred, sentenced, delayed sentence, probation)

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R	L	18) Type of deferral (HYTA, 7411, Spouse Abuse) (when applicable)
	L	19) Court-ordered financial obligations (including restitution amounts) assessment dates and amounts
	L	20) Payments and adjustments made
	L	21) Payments disbursed
	L	22) Filing dates and event codes of all documents filed for postjudgment collection
	L	23) Payoff date (when court-ordered obligations are paid in full or waived)
R		24) All required abstract data
Case-Type Group C: Domestic Relations (DC, DM, DO, DP, DS, DZ, UD, UE, UF, UI, UM, UN)		
R		1) Case Number
R		2) Party names and roles
R		3) Date of filing, date inactive/stay, and any reopened date
R		4) Events that reopen the case for caseload reporting (remand; order staying case is set aside; reinstatement after dismissal; default judgment set aside)
R		5) Assigned judge, judge at adjudication, and judge at disposition
R		6) Manner of adjudication (bench decision after trial, uncontested/default/ settled, transferred, dismissed by party, dismissed by court)
R		7) Judgment date (CLOSED code used for caseload reporting purposes, based on type of order entered)
Case-Type Group D: Adoption (AB, AC, AD, AF, AG, AN, AO, AU, AY)		
R		1) Case number
R		2) Party names
R		3) Date of filing and any reopened date
R		4) Events that reopen the case for caseload reporting (remand after final order is entered, petition for rehearing granted, petition to rescind adult adoption filed)
R		5) Assigned judge, judge at adjudication, and judge at disposition
R		6) Manner of adjudication/disposition (finalized, withdrawn, dismissed)
R		7) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)
R		8) Date and event; petition filed for confidential intermediary
R		9) Date and event; request filed for release of information

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Case-Type Group E: Child Protective (NA)	
R	1) Case number
L	2) Petition number
R	3) Respondent names
L	4) Children names
R	5) Number of children per petition
R	6) Date received
R	7) Date of filing (authorized) and any reopened date
R	8) Date of filing of supplemental petition
R	9) Events that reopen the case for caseload reporting (remand for new trial, request to withdraw plea granted)
R	10) Assigned judge, judge at adjudication, and judge at disposition
L	11) Date of birth of each child
R	12) Legal status (temporary or permanent ward)
R	13) Permanent ward date (when applicable)
R	14) Placement status (in home or out of home)
R	15) Initial removal date and most recent removal date (if applicable)
R	16) Judicial determination date
R	17) Expedited permanency planning hearing date and event code
R	18) Manner of adjudication
R	19) Adjudication date (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	20) Delay reason code (as applicable)
R	21) Initial dispositional hearing date and event code
R	22) Review hearing date and event code
R	23) Permanency planning hearing date and event code
R	24) Termination hearing date and event code
R	25) Permanency achieved date (when applicable)
R	26) Permanency achieved code (when applicable)
R	27) Date jurisdiction terminated and event code
L	28) Court-ordered financial obligations (reimbursement amount) assessment dates and amounts
L	29) Satisfaction of court-ordered financial obligation
L	30) Payments made
L	31) Payments disbursed
L	32) Filing dates and event codes of all documents filed for postjudgment collection

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Case-Type Group F: Juvenile Delinquency (DL)		
R	L	1) Case number
R	L	2) Petition number
R	L	3) Party names and roles
R	L	4) Parent names
R	L	5) Date received
R		6) Date of filing (authorized), date inactive/stay, and any reopened date
R		7) Events that reopen the case for caseload reporting (remand for new trial, request to withdraw plea granted, failure to comply with consent calendar agreement or diversion program, transfer to consent calendar, referee decision overturned, appearance after failure to appear, report on competency received, dismissal of a case on inactive status)
R	L	8) CTN/TCN
R	L	9) SID
R	L	10) Date of birth
R	L	11) Offense date
R	L	12) Offenses/Charges (PAAC codes, offense descriptions, and associated count numbers)
R		13) Assigned judge, judge at adjudication, and judge at disposition
	L	14) Whether juvenile was represented by an attorney or waived representation
R	L	15) Date of adjudication/consent calendar
R	L	16) Adjudication (responsible, not responsible, etc.) (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	L	17) Manner of adjudication (admission/plea, not authorized, jury verdict, bench verdict, nolle prosequi, dismissed, waiver, designated)
R		18) Legal status (temporary ward)
R		19) Placement status (in home or out of home)
R		20) Date of disposition
R	L	21) Manner of disposition (in-home, out-of-home, probation)
R	L	22) Date jurisdiction terminated and event code
	L	23) Court-ordered financial obligations (including restitution amounts) assessment dates and amounts
	L	24) Payments and adjustments made
	L	25) Payments disbursed
	L	26) Filing dates and event codes of all documents filed for postjudgment collection
	L	27) Payoff date (when court-ordered obligations are paid in full or waived)

Case-Type Group G: Emancipation (EM)	
R	1) Case number
R	2) Date of filing and any reopened date
R	3) Events that reopen the case for caseload reporting (remand for new hearing, petition to rescind emancipation filed)
R	4) Assigned judge, judge at adjudication, and judge at disposition
R	5) Manner of adjudication/disposition (order issued after hearing, dismissed/denied)
R	6) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)
Case-Type Group H: Infectious Diseases (ID)	
R	1) Case number
R	2) Date of filing and any reopened date
R	3) Events that reopen the case for caseload reporting (remand for new hearing, petition for treatment filed after ex parte order for transport)
R	4) Assigned judge, judge at adjudication, and judge at disposition
R	5) Manner of adjudication/disposition (order issued ex parte, order issued after hearing, dismissed/denied)
R	6) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)
Case-Type Group I: Juvenile Guardianship (JG)	
R	1) Case number
R	2) Date of order appointing guardian (CLOSED code used for caseload reporting purposes)
R	3) Assigned judge, judge at adjudication, and judge at disposition
R	4) Date and event terminating or revoking (when applicable)
Case-Type Group J: Juvenile Traffic and Local Ordinance (TL)	
R	1) Case number
L	2) Party names
R	3) Date of filing and any reopened date
R	4) Events that reopen the case for caseload reporting (appearance after failure to appear)
R	5) Assigned judge, judge at adjudication, and judge at disposition
R	6) Manner of adjudication/disposition (admission, no contest, dismissed)
R	7) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)
L	8) Date satisfied (paid, waived, purged from SOS)
L	9) Date license suspended (if applicable)
L	10) Date suspension purged from SOS (when applicable)
R	11) All required abstract data
L	12) Court-ordered financial obligations (including restitution amounts) assessment dates and amounts
L	13) Payments and adjustments made

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L	14) Payments disbursed
L	15) Filing dates and event codes of all documents filed for postjudgment collection
L	16) Payoff date (when court-ordered obligations are paid in full or waived)
Case-Type Group K: Name Change (NC)	
R	1) Case number
R	2) Date of filing
R	3) Assigned judge, judge at adjudication, and judge at disposition
R	4) Manner of adjudication/disposition (order issued after hearing, dismissed)
R	5) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)
Case-Type Group L: Personal Protection Proceedings (PH, PJ, PP, VP)	
R	1) Case number
R	2) Date of filing and any reopened date
R	3) Events that reopen the case for caseload reporting (petition filed for hearing after entry of order denying or dismissing a petition for an ex parte order)
R	4) Assigned judge, judge at adjudication, and judge at disposition
R	5) Manner of adjudication/disposition (ex parte, order issued after hearing.)
R	6) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	7) Date and event for each order rescinded (when applicable)
Case-Type Group M: Safe Delivery of Newborn (NB)	
R	1) Case number
R	2) Date of filing
R	3) Assigned judge, judge at adjudication, and judge at disposition
R	4) Manner of adjudication/disposition (order issued after hearing, dismissed, etc.)
R	5) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)
Case-Type Group O: Young Adult Voluntary Foster Care (VF)	
R	1) Case number
R	2) Date of filing
R	3) Assigned judge, judge at adjudication, and judge at disposition
R	4) Manner of adjudication/disposition (ex parte, order issued after hearing)
R	5) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)

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Case-Type Group P: Ancillary Proceedings (CA, CY, DD, GA, GL, GM, LG, MI, PO)	
R	1) Case number
R	2) Date of filing
R	3) Assigned judge, judge at adjudication, and judge at disposition
R	4) Manner of adjudication/disposition (granted, denied, transferred, withdrawn, dismissed, etc.)
R	5) Adjudication/Disposition date (CLOSED code used for caseload reporting purposes, based on type of order entered)

District Court Case Type Groups:

Case-Type Group Q: Civil (GC, GZ, LT, SC, SP)	
R	1) Case number
L	2) Party names
R	3) Date of filing, date inactive/stayed, and any reopened date
R	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)
R	5) Assigned judge, judge at adjudication, and judge at disposition
R	6) Manner of adjudication (order entered, dismissed, jury verdict, settled)
L	7) Judgment date for each party
L	8) Event codes for each party (creditor and debtor, when applicable)
L	9) Judgment amount awarded to each creditor and debtor (when applicable)
R	10) Closed date (resolves last pending claim or otherwise closes case for caseload reporting) (CLOSED code used for caseload reporting purposes, based on type of order entered)
L	11) Satisfaction of judgment for each creditor and debtor (when applicable)
L	12) Judgment renewal dates and event codes (when applicable)
L	13) Filing dates and event codes of all documents filed for postjudgment collection

Case-Type Group R: Criminal - Traffic and Nontraffic (EX, FD, FT, FY, OD, OM, OT, SD, SM, ST)	
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R	1) Case number
R	2) Party names
R	3) Date of filing, date inactive/stay, and any reopened date
R	4) Events that reopen the case for caseload reporting (remand, new trial ordered by appellate court, order staying the case is set aside, request to withdraw plea granted, report on competency received, dismissal of a case on inactive status, arraignment on warrant issued before adjudication)
R	5) CTN/TCN
R	6) SID

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R	L	7) Date of birth
R	L	8) Offense date
R	L	9) Offenses/Charges (PAAC codes or ordinance codes, offense descriptions, and associated count numbers)
R		10) Assigned judge, judge at adjudication, and judge at disposition
R		11) Whether defendant was represented by an attorney or waived representation
R	L	12) Date of adjudication/conviction/deferral, bindover, transfer, dismissal
R	L	13) Adjudication/Conviction (guilty, not guilty, not guilty by reason of insanity)
R	L	14) Manner of adjudication/deferral (plea, nolo contendere, jury verdict, bench verdict, nolle prosequi, dismissed, transferred/bindover, inactive status)
R		15) Event that a felony plea accepted in district court (when applicable)
R		16) Date of disposition (CLOSED code used for caseload reporting purposes; based on type order entered)
R	L	17) Manner of disposition (deferred, sentenced, delayed sentence, probation)
R	L	18) Type of deferral (HYTA, 7411, Spouse Abuse, etc.) (when applicable)
	L	19) Court-ordered financial obligations (including restitution amounts assessment dates and amounts)
	L	20) Payments and adjustments made
	L	21) Payments disbursed
	L	22) Filing dates and event codes of all documents filed for postjudgment collection
	L	23) Payoff date (when court-ordered obligations are paid in full or waived)
R		24) All required abstract data
Case-Type Group S: Civil Infraction (Traffic and Nontraffic) and Parking (OI, OK, ON, SI, SK, SN)		
R	L	1) Case number
R	L	2) Party names
R	L	3) Date of filing, date inactive/stay, and any reopened date
R		4) Events that reopen the case for caseload reporting (order staying case is set aside; default set aside, admission of responsibility is set aside, appeal on informal hearing is filed)
R		5) Assigned judge, judge at adjudication, and judge at disposition
R	L	6) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
R		7) Manner of adjudication/disposition (verdict, admission, waiver, dismissed, default)
R		8) All required abstract data
	L	9) Date satisfied (paid, waived, purged from SOS)
	L	10) Date license suspended (if applicable)
	L	11) Date suspension purged from SOS (when applicable)

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L	12)	Court-ordered financial obligations (including restitution amounts) assessment dates and amounts
L	13)	Payments and adjustments made
L	14)	Payments disbursed
L	15)	Filing dates and event codes of all documents filed for postjudgment collection
L	16)	Payoff date (when court-ordered obligations are paid in full or waived)

Probate Court Case Type Groups:

Case-Type Group T: Estates, Trusts, and Trust Registration (DA, DE, DH, IE, PE, SE, TI, TR, TT, TV)		
R	1)	Case number
R	2)	Date of filing, date inactive/stay, and any reopened date
R	3)	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)
R	4)	Assigned judge, judge at adjudication, and judge at disposition
R	5)	Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	6)	Manner of adjudication/disposition (granted, denied, transferred, withdrawn/dismissed)
R	7)	Estate supervised during the year (based on order of court)
R	8)	Date closed
R	9)	Manner closed (administrative, certificate of completion, or otherwise)
Case-Type Group U: Conservatorships, and Guardianships (CA, CV, CY, DD, GA, GD, GL, GM, LG, PO)		
R	1)	Case number
R	2)	Date of filing
R	3)	Assigned judge, judge at adjudication, and judge at disposition
R	4)	Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	5)	Manner of adjudication/disposition (granted, denied, transferred, withdrawn/dismissed)
R	6)	Date closed
R	7)	Manner closed (administrative, terminated, death, age of majority, etc.)

Case-Type Group V: Mental Health Code Proceedings (JA, MI)	
R	1) Case number
R	2) Date of filing, any reopened date
R	3) 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)
R	4) Assigned judge, judge at adjudication, and judge at disposition
R	5) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	6) Manner of adjudication/disposition (granted, denied, transferred, deferred, withdrawn/dismissed, etc.)
R	7) Dates and events for petitions for second orders and continuing orders, and supplemental petitions
Case-Type Group W: Delayed Registration of Birth (BR)	
R	1) Case number
R	2) Date of filing
R	3) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	4) Manner of adjudication/disposition (granted, denied)
Case-Type Group X: Miscellaneous Proceedings (ML)	
R	1) Case number
R	2) Date of filing
R	3) Assigned judge, judge at adjudication, and judge at disposition
R	4) Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	5) Manner of adjudication/disposition (granted, denied, transferred, withdrawn/dismissed)
Case-Type Group Y: Civil (CZ)	
R L	1) Case number
L	2) Party names
R L	3) Date of filing, date inactive/stayed, and any reopened date
R	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)
R	5) Assigned judge, judge at adjudication, and judge at disposition
L	6) Each creditor (when applicable)
L	7) Each debtor (when applicable)
R	8) Judgment date (CLOSED code used for caseload reporting purposes, based on type of order entered)

3.3. Case Records

Case files are defined in MCR 8.119(D). On the filing of a case initiating document, a case number and case-type code are assigned, a filing fee is collected (when required), and a case file is opened.

A case record associated with case files is the case history data (commonly known as the register of actions and the numerical and alphabetical indices). These records are required to be created and maintained in a court's electronic case management system by the clerk of the court when a case file is opened. MCR 8.119(D). Specific standards and procedures for creating and maintaining case history and for monitoring cases are in [Section 3.2](#).

Other case records that may or may not be managed by the clerk of the court are identified, in part, in MCR 8.119(E) and (F). See [Section 3.4](#).

For standards on methods of filing and storing case files, see [Section 3.1](#).

3.3.1 Components of Case File Records and Related Procedures

Specific standards and procedures for establishing and maintaining case files are outlined in the following components. These components are:

- 3.3.1.1 [Case-Type Code](#)
- 3.3.1.2 [Case Number, File Number, and Petition Number](#)
- 3.3.1.3 [Filing and File Stamp](#)
- 3.3.1.4 [Minimum Filing Requirements](#)
- 3.3.1.5 [Handling Documents with Errors and SCAO-approved Forms Standards](#)
- 3.3.1.6 [Case-File Folder](#)
- 3.3.1.7 [Placement of Documents in Case File](#)
- 3.3.1.8 [Case Files and Other Case Records Maintained Separately](#)
- 3.3.1.9 [Minimum File Contents](#)
- 3.3.1.10 [Court Seal and Other Stamps](#)
- 3.3.1.11 [Case Records Electronically Issued/Served/Transmitted by the Court](#)
- 3.3.1.12 [Transferring Case Files](#)
- 3.3.1.13 [Copying Documents, Certifying Copies, and Certifying Case History Data](#)
- 3.3.1.14 [Consolidating Cases](#)
- 3.3.1.15 [Appeal Processing](#)
- 3.3.1.16 [Restoring Destroyed or Lost Case Files](#)

3.3.1.1: Case-Type Code

Establishing Case-Type Codes:

Case-type codes are established by the State Court Administrative Office. [See Case-Type Codes and definitions](#). Requests to establish new case-type codes or to revise

existing case-type codes must be submitted to the State Court Administrative Office for consideration.

Assignment of Case-Type Code:

- A case-type code is one of the two-letter sequences specified in the case-type code list.
- One case-type code must be assigned to each case initiating document based on the case-type code list. MCR 1.109(D)(1)(b)(iii); MCR 8.117.
- Assignment of the case-type code is based on the principal subject matter of the action, not the nature of the proceedings. MCR 1.109(D)(1)(b)(iii); MCR 8.117.
- Except where e-Filing has been implemented, courts may establish local practice regulating whether the code is assigned by the party or the court.
- Where e-Filing is implemented, the case-type code is assigned in accordance with the standard configurations of the e-Filing system.

Use of Case-Type Code:

- As required by MCR 1.109(D)(1)(b)(iii) and MCR 8.117, one case-type code must be assigned to each case according to the principal subject matter of the action, not the nature of the proceedings.
- The case-type code must be included as part of the case number in the caption of the case initiating document.
- The case-type code must be included in the caption of documents thereafter filed in that case.
- If a case initiating document is filed without a case-type code, it is to be considered a nonconforming document and shall not be accepted for filing.
- Documents filed with the court that are not part of an existing case can be given a group file number and handled in accordance with Group Files (see Section 3.4 – Other Court Records).

Availability of Case-Type Codes:

The clerk of the court shall make the case-type codes available to the public either by posting them in a prominent location in the office or by providing the list when needed.

Obsolete Case-Type Codes:

- Unless converted when a case management system migrates from one system to another, obsolete or modified case-type codes must be maintained in the case management system as they were originally entered.
- When a case with a modified case-type code is to be transferred to Archives of Michigan, the court must provide a key that indicates the case type-code to which it corresponds under MCR 8.117.
- If a court's case management system uses a case-type code other than the codes described currently or historically in MCR 8.117, the court must provide a key that indicates the case-type code to which it corresponds.

3.3.1.2: Case Number, File Number, and Petition Number

File and Case Defined:

A file is a repository for collecting pleadings and other documents and materials related to a case. A case is initiated by submitting an original complaint, petition, or citation; acceptance of a transfer from another court or tribunal; filing or registering a foreign judgment or order; or filing some other initiating document as defined by court rule. MCR 2.101, MCR 3.201(D)(1); MCR 3.903(A), MCR 4.002, MCR 4.101, MCR 5.101, MCR 6.101, MCR 8.119(D)(1)(b).

Assignment of Complaint Number, Petition Number, and Case Number:

- A complaint number or petition number consists of three parts: (1) the year in which the complaint or petition is initiated, (2) a series of characters of some length, and (3) a two-letter case-type code established by the State Court Administrative Office. A case number may be viewed with other items such as an initial for a judge's name or other local identifiers; however, if a case is transferred to another court, these additional identifiers shall not be transferred (see Section 3.3.1.12 -Transferring Case Files). MCR 1.109(D)(1)(b)(iii). Example: 2017-123456-DM, 2009 123456 CZ.
- A case number is the number assigned to a separate case file. The case number is identical to the complaint number or petition number, except in those cases under the juvenile code where a single case file contains multiple petitions. In these matters the case number may be the initial petition number or any other identifier that uniquely identifies the case file.
- In proceedings under the mental health code, each individual entering the system for the first time may be assigned a unique case number that is used on subsequent petitions concerning the individual, regardless of the number of petitions filed on the person's behalf.
- Where electronic filing is implemented, the case number is assigned in accordance with the statewide configuration of the e-Filing system. When a new case is filed, the electronic filing system shall assign a temporary system number (EFS number), which shall be replaced with the case number generated by the court's case management system. The EFS number shall be included in the system's transaction record (also known as an electronic filing system audit log) (see 3.1 for details).

Use of Case Number

- Every pleading and other document filed in a case must contain a caption stating the case number. In cases under the juvenile code where a single case file contains multiple original petitions, a separate petition number shall be placed on each original petition and other documents filed that are related to that particular petition. MCR 1.109(D)(1)(b)(iii).
- In child protective cases, if a court establishes a single case file involving multiple children within the same family, the court must have a means of uniquely identifying each child within the file. One way of identifying each child is to

assign to each the relevant petition number modified with a unique suffix. We recommend that this single case number (family identification number) be associated with the mother of the child(ren) involved in the proceeding. Some courts also refer to this as the “family ID number.” Multiple petitions involving the same mother should be filed under this case (family ID) number. Each petition number associated with the case file should be unique.

3.3.1.3: Filing and File Stamp

Filing Defined:

- Filing of pleadings and other documents and materials with the court must be with the clerk of the court in accordance with standards prescribed by MCR 1.109(D). Attachments of acceptable discovery material to a brief or motion that is submitted for filing shall be made part of the public case file unless otherwise confidential. MCR 1.109(D)(4).
- A court shall allow documents, including but not limited to materials related to case evaluation or inventory information for decedent estates, to be transmitted to the court for purposes other than filing in a case file. MCR 1.109(A)(2), MCR 1.109(G)(3)(b). Documents submitted or transmitted to the court for purposes other than filing in a case file shall not be stamped filed with the court but shall be recorded in the audit log of each court’s e-Filing transactions on the date received and may be stamped “Received.” Where electronic filing is implemented, placement of the stamp shall be the same as the filed stamp and must state “Received by [*name of court*] [*date and time*].” The format for the date shall be mm/dd/yyyy. The format for the time shall be hh:mm:ss AM/PM. In the circuit court, the received stamp shall include reference to the county clerk’s office. See [Section 3.1 – Filing, Service, Transmission, and Storage Methods](#).
- In a paper-based system, a document is considered filed on the date it is received by the court (mail or in person), irrespective whether the clerk has reviewed the document in accordance with [3.3.1.4](#) and [3.3.1.5](#). The date stamped on a document must be the day the document was actually received. If the clerk of the court is unable to stamp documents on the date they are received, including when received by a judge under MCR 1.109(C), the clerk must ensure that all documents received on a given day are batched and identified in some manner with the actual date they were filed until such time as the documents can be stamped. MCR 1.109(C).
- Where electronic filing is implemented, a document submitted electronically is considered filed after the transmission to the electronic filing system is completed and the required filing fees have been paid or waived. MCR 1.109(G)(5)(b) and (c). Regardless of the date a filing is accepted by the clerk of the court, the date of filing is the date submitted. Electronic filing is not restricted by the operating hours of a court and any document submitted at or before 11:59 p.m. of a business day is deemed filed on that business day. An audit log of each court’s e-Filing transactions is available in the e-Filing system (see [Section 3.1 for details](#)). MCR 1.109(G).

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- Documents received by facsimile during the regular business hours of the court will be deemed filed on that business day. Documents received by facsimile after regular business hours and on weekends or designated court holidays will be deemed filed on the next business day. A document transmitted by facsimile is considered filed if the transmission begins during regular business hours, as verified by the court, and the entire document is received. MCR 2.406.
- For purposes of records management, unauthorized petitions are considered filed when received by the court.

MCR 1.109(C); MCR 1.109(G)(5)(b),(c); MCR 2.602(C); MCR 3.903(A)(21),(25).

Stamping Procedures:

- Before stamping a document, the clerk of the court must ensure that it is in compliance with [3.3.1.4](#) and [3.3.1.5](#), and signed.
- Where electronic filing is implemented, the review and stamping procedure may be manually performed by the clerk through a review queue or may be automated in accordance with the business rules of the electronic filing system.

Items Subject to Stamping:

- At a minimum, the first page of every document filed shall be stamped with the date on which it is filed. Where electronic filing is implemented, the first page of each document shall be stamped with the date and time on which it is filed. Except where electronic filing is implemented, stamping traffic and civil infraction citations is optional, but highly recommended.
- File stamping orders and notices generated by the court is not necessary. Where electronic filing is implemented, orders and judgments shall not be stamped with a date and time stamp but shall instead be stamped with the seal of the court. See [3.3.1.10](#).
- Do not file stamp nonrecords such as drivers' licenses, driving records, or other documents submitted or transmitted to the court for purposes other than filing in a case file.

Content of Stamp:

- The file stamp must contain the date (month, day, and year) on which a document is filed and the name of the court in which it is filed.
- Where electronic filing is implemented, the file stamp must also contain the time at which a document is filed.
- Where electronic filing is implemented, the file stamp must state "Filed in [*name of court*] [*date and time*]." The format for the date shall be mm/dd/yyyy. The format for the time shall be hh:mm:ss AM/PM. In the circuit court, the file stamp shall include reference to the county clerk's office.

Placement of Stamp:

- Except where electronic filing is implemented, the filing date shall be stamped on the front of the first page of each original document, and preferably in a location

that does not obliterate information on the document.

- Where electronic filing is implemented, the automated process of the system shall affix the filing date and time on the first page of a filed document as follows:
 - Circuit Court: 270° rotation in upper-left margin of each page.
 - District/Probate Court: 270° rotation in lower-left margin of each page.

When to Stamp:

- File stamp only after any required fees have been paid, waived, or otherwise provided for.
- Where electronic filing is implemented, a document is stamped by the system when the submission of that document is completed. When service is done simultaneously with filing, a digital image of the proof of service is automatically produced. The date and time of service is the same as the date and time of filing.
- Except where electronic filing is implemented, if a document is stamped and it is later determined that it cannot be processed, the file stamp must be voided before returning the document to the party. See [3.3.1.4](#) for procedural details for handling and/or rejecting nonconforming documents. See also [3.3.1.5](#) for authorized reasons for rejecting a filed document.

3.3.1.4 Minimum Filing Requirements

Payment of Filing Fees or Request for Fee Waiver:

- At the time of filing, a filing fee must be paid unless fees are waived in accordance with MCR 2.002. MCL 600.880; MCL 600.880a; MCL 600.880b; MCL 600.880c; MCL 600.2529; MCL 600.8371.
- If a fee for commencing a civil action is authorized or required by law, in addition to that fee, the clerk shall also collect an electronic filing system fee in the amount specified in MCL 600.1986, subject to MCL 600.1993. MCL 600.1986.

Document Preparation:

- All documents prepared for filing with Michigan courts (except Uniform Law Citations) must be prepared in accordance with these standards. Deviation from these standards may result in a submitted filing being rejected. MCR 1.109(D) and MCR 8.119(C). See standard rejection reasons and solutions in [3.3.1.5](#).
- With the exception of redacting protected personal identifying information, these standards do not apply to documents being filed with the court that: 1) the filing party did not create or 2) the filing party created for a reason other than filing with the court. Such documents are typically attached to or accompany a document that the filing party has specifically prepared for filing with the court. Examples include, but are not limited to:
 - leases, bank statements, wills, codicils, trusts, or other testamentary documents;
 - copies of documents from a court file that preceded these standards or a printout of a register of action from a court's records;

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- documents created by local, state, or federal government agencies, such as a local tax bill, marriage license, birth certificate, or death certificate; and
- documents prepared, executed, acknowledged, or proved outside the state of Michigan, such as a copy of a foreign judgment.
- Attachments the filing party is creating for filing with the court must comply with these standards. Each attachment accompanying a document must be separately attached (connected) and referenced to the lead document to which it relates as follows. For documents that are electronically filed, there are additional requirements regarding attachments; see Additional Requirements of Electronic Documents below:
 - The last page of the lead document to which attachments pertain must contain an index subtitled “Index to Attachments” and must list the title of each attachment and its associated file name(s).
 - Each attachment must be identified as an attachment to the lead document, be numbered, and contain the title as follows: Attachment 1 [title of attachment, e.g., Lease] for [name of lead document, e.g., Complaint for Possession].

Language:

All documents prepared for filing in the courts and all documents prepared by the court for placement in a case file must be legibly printed in ink (preferably black) and in the English language. MCR 1.109(D)(1)(a); MCL 600.1427; [Michigan Supreme Court Administrative Order No. 1985-5](#).

Personal Identifying Information

- Personal identifying information protected under MCR 1.109(D)(9) must be provided to the court as required by MCR 1.109(D)(2) in an appropriate SCAO-approved method or form. If by form, the form must be completed and filed with the document to which it pertains.
- If a party is required to include protected personal identifying information in a public document filed with the court after April 1, 2022, the party shall file the document with the protected personal identifying information redacted, along with a personal identifying information form approved by the State Court Administrative Office under MCR 1.109(D)(9)(b)(i).

Caption, Titling of Documents (titling does not apply to SCAO-approved forms)

- The caption must comply with specific court rule requirements, including capitalized statements for appellate documents. MCR 1.109(D).
- The title of a motion and subsequent order must be specific. Although not required, it is preferred the motion include the name of the party filing the motion (e.g., Defendant [NAME]’s Motion for Summary Disposition). MCR 2.119.

Case Initiation Information:

A party filing an initiating pleading and a party filing a response, answer, or objection to an initiating pleading shall also provide specified case information in the form and manner established by the State Court Administrative Office. An initiating pleading is the document that commences an action or case. MCR 1.109(D)(2).

Document Size and Quality:

- All documents prepared for filing in the courts of this state must be filed either on good quality paper not exceeding 8 ½ by 11 inch paper or transmitted through an approved electronic means and maintained in a digital image, the output of which is readable by sight and can be printed to 8 ½ x 11 inch paper per single page, without manipulation. MCR 1.109(B); MCR 1.109(D)(1)(a). All other materials submitted for filing shall be prepared in accordance with MCR 1.109(D) and these standards. See also [Section 3.1 – Filing, Service, Transmission, and Storage Methods](#).
- If documents are filed by facsimile as authorized by MCR 2.406, the image shall be legible and shall be on paper not subject to more rapid deterioration than ordinary typewritten material on ordinary paper. Courts may establish a maximum number of pages that may be transmitted by facsimile at one time.
- Any paper attachment, graphic, or photograph larger than 8 ½ x 11 inches must be filed in its original size in paper format unless the judge directs that it can be filed electronically in its original size. MCR 1.109(D)(4), MCR 1.109(G)(3)(c).
- Any attachment, graphic, or photograph smaller than 8 ½ x 11 inches may be filed in its original size.
- 8 ½ x 14 inch attachments that the filer did not create for the express purpose of filing with the court shall not be reduced to fit into an 8 ½ x 11 inch view.

Type Face and Font

- Type face must be without ornament, serif or sans serif. Preferred are: Arial, Calibri, Constantia, Georgia, Tahoma, and Times New Roman. Limit use of font attributes such as italics, capitalization, and bolding.
- Font must be 12 or 13 point for body text and no less than 10 point for footnotes, except with regard to forms approved by the State Court Administrative Office. MCR 1.109(D)(1). MCR 1.109(D)(1)(a); MCR 2.406(C).

Margins

- One-inch top and bottom margins; one-half inch side margins; side margins for date and time stamps; top margin for other court-use-only stamps; bottom margin of SCAO-approved court forms for form number, revision date, cites, and other details. These margin standards do not apply to transcripts.
- Two and one-half inch top margin for documents prepared for recording by the register of deeds. MCL 565.201.
- No text or image shall be placed in the margin except a court's date and time stamp.

Line and Paragraph Spacing

- Except as otherwise provided by court rule, one and one-half or double line spacing, except with regard to forms approved by the State Court Administrative Office, quotes, and footnotes.

Document Volume/Number of Pages

- Motion Practice – combined length of motion and brief cannot exceed 20 pages, double spaced, exclusive of attachments or exhibits. MCR 2.119.
- Case Evaluation Summary – cannot exceed 20 pages, exclusive of attachments, unless otherwise permitted by the court. MCR 2.403.
- Motion for Relief from Judgment – combined motion and any memorandum of law cannot exceed 50 pages exclusive of attachments or exhibits. MCR 6.502(C).

Signature:

- Every document of a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney must sign the document. If a document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party. MCR 1.109(E).
- There is no statutory or court rule requirement that a document prepared for filing in the court must be an “original” signature.
- There are additional signature requirements for documents filed in probate proceedings. MCR 1.109(E)(2)(b).
- The signature requirement includes a signature transmitted by facsimile communication equipment.
- Electronic signatures, including use of /s/ followed by the printed name of the signer, are authorized. MCR 1.109(E).
- This standard does not apply to signatures of judges, magistrates, referees, clerks, and other court staff. See [3.3.1.11 – Case Records Electronically Issued/Served/Transmitted by the Court](#).

Additional Requirements of Electronic Documents:

In addition to the other minimum filing requirements, electronic documents must also comply with the following:

- File Format, Quality, Metadata, Orientation
 - Documents must be searchable/Optical Character Recognition (OCR) PDF and capable of being printed.
 - When the filing party has control of the creation of a document, the document must be converted to PDF directly from the program used to create the document. A scanned image of a document is prohibited except for documents the filing party did not create electronically or when a required signature on the document was signed by hand.
 - Scanned documents must be a minimum 300-400 dpi (dots per inch), black/white mode.
 - Permissible formats are PDF, DOC and DOCX, RTF, TIFF, TXT, JPG, PNG.
 - Each page of a document must be oriented so that the text is not upside down or sideways and can be read without manipulation.
 - Multiple documents (including attachments) cannot be combined into a single document unless authorized in these standards. In summary proceedings case types (LT and SP), a document with attachments must be combined in the same file with the lead document.

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- Each document must contain no blank pages.
- Color photographs or graphics must be filed in color.
- All metadata must be removed from the document, including information referencing drafters, reviewers, javascript, or macros.
- Bar codes affixed by a filer are permissible provided they are within the prescribed margins.
- File Size; Multiple-Part Documents
 - File size shall not exceed 25 MB. Files larger than 25 MB may be filed electronically in separate 25 MB (or smaller) segments. The filer is responsible for dividing the document into appropriately-sized parts and labeling each segment (e.g., 1 of 3, 2 of 3, 3 of 3).
- File Name
 - The file name must identify the title of the document.
 - There is a 100 character limit.
 - Abbreviations are permitted.
 - Do not use special characters.
- Attachments (previously referred to as exhibits)
 - Each attachment must conform to the file size limit. To the extent an attachment exceeds the size limitation, each portion must be separately described as being a portion of the whole attachment (e.g., Attachment 1 [title of attachment] for [name of lead document] Part 1 of 3; Attachment 1 [title of attachment] for [name of lead document] Part 2 of 3; Attachment 1 [title of attachment] for [name of lead document] Part 3 of 3).
 - Multiple attachments can only be combined as a single attachment when the documents are of a like kind (e.g., multiple account statements that span a period of time).
 - Exception for Summary Proceedings (LT and SP) Cases: If a document has attachments, the document and all attachments must be combined into a single document.
- Hyperlinks
 - Each filed document must be self-contained. Hyperlinks embedded within a document must link only to information within the same document.
 - Embedded audio or video files are prohibited.

Facsimile Filing of Request for Search Warrant:

- Paper and Type: The affidavit and search warrant must be printed on good quality 8 ½ x 11-inch paper, and the print size must be no smaller than 12-point.
- Image Quality: It is essential that a document remain legible, especially after successive transmissions. Repeated transmission of a search warrant by facsimile may decrease the image quality.
- Originals: Affidavits for search warrants filed by facsimile communications equipment shall be considered original documents. The filing party shall retain the documents that were transmitted by facsimile communication equipment.
- Signature: The signature required under MCR 1.109(E) includes a signature transmitted by facsimile communication equipment.

Fillable Forms, System-Generated Documents, Electronic Transmission of Data:

- When fillable forms are completed and filed, the form and the data of the document must be stored intact.
- Documents generated by the court’s case management system that are required to be placed in the case file by the standards in [Section 3.3.1.9 – Minimum File Contents](#) must be printed to paper, or where electronic filing is implemented, converted to searchable PDF. See [3.3.1.11 for standards for serving or transmitting data electronically](#).

Filing Documents Under Seal:

This standard applies to documents filed either in a paper-based system or through the electronic filing system.

- Public documents may not be filed under seal except when the court has previously entered an order in the case under MCR 2.302(C) or MCR 8.119(I). However, a document may be made nonpublic temporarily before the order is entered as prescribed by MCR 1.109(D)(8). MCR 1.109(D)(8)(a).
- When documents are filed in compliance with MCR 1.109(D)(8), the clerk of the court shall ensure the documents identified in the motion to seal are made nonpublic pending entry of the order. MCR 1.109(D)(8)(c).
- After entry of the court’s order on a motion to seal documents under MCR 1.109(D)(8), the clerk of the court shall maintain under seal only those documents stated in the court’s order and shall remove the nonpublic status of any of the documents that were not stated in the order. MCR 1.109(D)(8)(c); MCR 8.119(I).
- A court may not seal a court order or opinion, including an order or opinion that disposes of a motion to seal the record. MCR 8.119(I)(6).

Procedure for Nonconformance:

- The clerk of the court may reject papers that do not conform to the minimum filing requirements, unless written direction of a judge expressly states otherwise. MCR 1.109(D)(6); MCR 8.119(C). Standard rejection reasons are listed in [Section 3.3.1.5](#).
- In some instances, the clerk of the court may return a document for correction in accordance with [Section 3.3.1.5 – Handling Documents with Errors and SCAO-approved Forms Standards](#).
- If a rejected document has already been stamped filed, the file stamp must be voided before returning the document to the party.
- Where electronic filing is implemented, before returning a rejected document to the party, the electronic filing system shall affix on the first page of the document, the date and time the clerk of the court rejected the document. Placement of the stamp shall be the same as the filed stamp and the rejected stamp must state “Rejected by [*name of court*] [*date and time*].” The format for the date shall be mm/dd/yyyy. The format for the time shall be hh:mm:ss AM/PM. In the circuit court, the rejected stamp shall include reference to the county clerk’s office.

- A rejected document returned to the filer shall be recorded as an electronic filing transaction under MCR 1.109(G)(5)(c).

Electronic Filing Transmission/Submission Failures:

If a filer asserts that the electronic filing system failed to transmit an electronic document to the court as submitted by the filer, and the filer wants the document stamped as filed on the date the filer first attempted the electronic filing, the filer must file a motion requesting the court to enter an order. MCR 1.109(G)(7).

Other Related Cites: MCR 2.113, MCR 2.602; MCR 3.206, MCR 3.931, MCR 3.961, MCR 4.302, MCR 5.113, MCR 5.162; MCR 6.101, MCR 8.119, MCL 780.651(5).

3.3.1.5 Handling Documents with Errors; SCAO-approved Forms Standards

Substantive Errors:

The clerk of the court may not change substantive errors in pleadings that were made by the parties.

Nonsubstantive Errors:

- The clerk of the court may make changes in clerical errors when the correct information is adequately verified.
- The clerk of the court may correct the following errors as soon as they are discovered and should promptly notify parties either of the corrections made or of the action to be taken by the parties:
 - Incorrect case number, or incorrect petition number when applicable (correct).
 - Incorrect case caption (correct).
 - Defective notice to appear (correct).
 - Documents received in error (return to parties and request correct documents).

SCAO-Approved Forms:

- When SCAO-approved forms have been revised, use of previously-approved versions is specified in the numerical indexes for the court forms.
- When use of previously-approved versions has been restricted and someone files a previously-approved version of a form, follow the instructions in the numerical index and below:
 - If the form is an order, notice, or some other form that the court must sign or issue, the clerk of the court has discretion to refuse to accept the older version.
 - If the form is a pleading or other form that the court does not sign or issue, the clerk of the court may accept the older version provided the “SCAO-approved” label is removed (by the individual) from the form and the individual using the form is advised that the form may not be in compliance with law or court rule. If the individual insists on using the previously-approved version the judge of assignment should be advised of this fact.
 - If the form has been created based on a statute or court rule that requires

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SCAO to approve a form and the use of that form is mandated, the clerk of the court shall refuse to accept the previously-approved version.

- Subject to the conditions specified in the two items above, if the form has been created based on a statute or court rule that requires SCAO to approve a form, and the use of that form is not mandated but requires an individual to use a form substantially in the form approved by SCAO, the clerk of the court shall advise the individual that the previously-approved version should not be used because it may no longer be substantially in the form approved by SCAO. If the individual insists on filing the form anyway, the SCAO-approved label should be removed (by the individual) from the form and the judge of assignment should be advised of the fact that the form is no longer SCAO-approved.
- Except where electronic filing is implemented, the clerk of the court can reject a form for filing if all needed copies are not included with the filing.
- The clerk of the court can reject a document that is required to be filed on an SCAO-approved form under MCR 5.113.
- A list of mandatory use of SCAO-approved forms is available at <https://courts.michigan.gov/Administration/SCAO/Forms/Pages/Mandatory-Use.aspx> for the benefit of the public and the courts.

Standard Rejection Reasons:

- Format MCR 1.109(D)(1)(a)
 - Not able to print to “8 1/2 x 11” paper without manipulation
 - Font smaller than 12-point
 - Format standards not followed (e.g., page margins)
 - SCAO-approved form out-of-date; previous versions not authorized for use
 - Use of SCAO-approved form required by court rule
 - Distinct documents cannot be filed together in a single file (electronic filing only)
 - Public document inappropriately marked confidential (no statute or court rule authority to make confidential)
 - Public document inappropriately marked sealed (no order to seal on file)
- Legibility MCR 1.109(D)(1)(a)
 - Illegible; not readable (out of focus, previously affixed file stamp obscures necessary language)
 - Not in the English language
 - Corrupted file (can’t be opened or read)
- Caption and Case Initiation MCR 1.109(D)(1)(b), (2)
 - Caption missing (includes case number and case name) or case initiation information missing
 - Caption inaccurate (includes case number and case name)
- Signature MCR 1.109(E)(3)
 - Signature missing
- Filing/Bond/Other Fee / Waiver of Fees MCR 8.119(C)
 - Appropriate filing fee not paid / Accepted Waiver not present
 - Separate documents cannot be filed together under a single filing fee

- Incorrect amount paid/deposited (from what was provided in court order/notice)
- Request for garnishment not issued MCR 3.101(D)
- Request for default entry not granted MCR 2.603(A)
- Request for default judgment (sum certain) not issued MCR 2.603(B)
- Submitted document not yet accepted by court; retracted at filer's request
- Civil infraction appeal bond not paid
- Proposed judgment/order not signed/scheduled for hearing

Other Related Cites: MCR 2.612(A) (general civil); MCR 3.902 (juvenile); MCL 600.2301; MCL 600.2325.

3.3.1.6 Case-File Folder

Paper-Based System:

When a Folder is Needed:

Except for cases filed on a citation, the clerk of the court must keep and maintain a file for each action. In a paper-based system, a folder must be used. MCR 8.119(D)(1)(d).

Type of Folder:

- Folders should be 9 inches wide by 12 inches long and of sturdy construction best suited to the frequency of use and to cost-effectiveness and efficiency constraints.
- Full- or partial-tabbed file folders (preferably side-tabbed lateral) with standard two-inch file (or Acco) fasteners are recommended; full side-tab folders are specifically recommended to accommodate color-coded numbers and letters for the case number.
- Expansion-type folders are permitted.
- Avoid using folders that accommodate more than two inches of material; as a recommended alternative, use second and third volumes for a file when the material in a given case exceeds two inches. Mark folders 1 of ____, 2 of ____, 3 of ____, etc.

Numbering of Paper Folder:

- In a paper-based system, the case number must be located on the tab. Additionally, the case number should be located on the upper right-hand corner of the folder.
- Petition numbers for juvenile delinquency and neglect/abuse proceedings appear only on the documents and in the case management system.
- Color-coded numbering is optional.

Electronic Document Management System:

Electronic Case-File Record:

The images associated with a particular electronic case-file record must be indexed appropriately and maintained in accordance with the file plans and storage standards in [3.3.1.7](#) and [3.1.2.3](#). MCR 8.119(D)(1)(b) and [Michigan Trial Court Guidelines and Standards for Digital Imaging](#).

Cross References: See also [Active Paper Records in 3.1.2.1](#) for further details on supplies.

3.3.1.7 Placement of Documents in Case File

Paper-Based System:

- Place documents in the file in reverse chronological order (most recent first) according to the filing date.
- Fasten all documents in the case folder (unless an expansion folder is used), with the most recent in front.
- Check for correct case name and case number (and petition number when applicable).
- Check for file stamp.
- Record in the case history (register of actions) the location of documents and attachments (exhibits) that are stored apart from the case folder.
- Update case history (register of actions).

Electronic Document Management System:

- In an electronic document management system, to “place in the case file” means to associate the documents with the case file through key words, coding, and indexing.
- Except for the SCAO-provided Cloud DMS, there are no specific document coding standards or file plan standards; courts with a local on-premise EDMS can determine their own file structure and standards.
- See [Section 3.1.2.3 for details](#) on file plan components.

Nonrecords:

- Do not place nonrecord materials in the case file whether paper or electronic. Nonrecords are reference materials used with case files and include LEIN records, warrant information, adult criminal responsibility and competency reports, driving records, copies of temporary vehicle registration plates, mental health records, victim information, fingerprints, judges’ notes/day sheets, and other similar records that are filed with or created by the court for use with specific cases but which are not part of the court record. See Retention Schedule for further details.

- If specific reference data from a particular nonrecord is needed in a case file, enter that data into the case management system, and return or destroy the document or record used.

Cross References: See also [3.3.1.9 - Minimum File Contents](#).

3.3.1.8 Case Files and Other Case Records Maintained Separately

General Procedures for Case File Records: MCR 8.119(D).

- The clerk of the court is responsible for maintaining case file materials that are stored separately from the case file folders. Examples are transcripts that are too large to fit in the folder or postjudgment filings that are maintained in batch files after entry in the case history (register of actions), especially when the case file has already been disposed pursuant to the Retention Schedules.
- In a paper-based system, mark the envelope or folder of separate materials with the case number (when applicable) and place the materials on the shelf behind the case folder or in a separate area.
- If the court has an electronic document management system, use access permissions and indexing functionality within the system to ensure appropriate confidentiality is maintained. See [Section 2](#).
- As indicated in [3.3.1.7](#), note in the case history (register of actions) the location of case documents, attachments, and transcripts stored apart from the primary case folder. In an electronic environment, this can be managed by indexing or use of folders.
- If the filing of large transcripts interferes with efficient handling of a paper case folder, store the transcripts separately from the case folder in a binder or other location.
- Store large items in an envelope or a folder separate from a paper case folder.
- In some instances, the clerk of the court is responsible for maintaining other case records that are stored separately from the case files. These may include alternative dispute resolution records, social files, or wills filed for safekeeping.

Procedures for Other Case Records for which Access is Restricted: MCR 8.119(E). For maintenance of records such as case evaluation, friend of the court, probation, mediation, presentence investigation, parental restoration, and testamentary documents, see Section [3.3.2 - Other Case Records](#).

Cross References: See also [Section 2 - Access to Records](#), and [Section 3.4.2.3 - Receipt and Return of Exhibits](#).

3.3.1.9 Minimum File Contents

Procedure:

- At a minimum, the clerk of the court must place in the case file all documents filed with the court and certain documents generated or issued by the court. MCR 8.119(D)(1)(b).

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- Record in the case history (register of actions) every document placed in the case file.
- As indicated in [3.3.1.7](#) and [3.3.1.8](#), specify the location of documents, such as transcripts and other large items that are stored separately from the primary case file folder.

Documents Filed with the Court:

- Pleadings and other filed documents, including unauthorized petitions.
- Process, proofs of service pertaining to case initiation.
 - 1) In a paper-based system, proofs of service for all other documents after case initiation.
 - 2) In the electronic filing system, digital images of proofs of service after case initiation are filed on behalf of the filer by the system when the filer selects electronic service; however, they are not required because the electronic service transaction is recorded in the case history by the system. MCR 1.109(G)(6).
- Other materials, such as an attachment or discovery material, submitted for filing under MCR 1.109(D)(4).
- Orders received from another state or tribunal under the Uniform Interstate Family Support Act.
- Transcripts filed in accordance with MCR 8.108(F).
- In addition to the above, the clerk of the court must place in a juvenile delinquency or child protective case file all motions, notices, memoranda, and briefs and all other records listed in [Administrative Order No. 1985-5](#). MCR 3.903(A)(8), (25).
- The clerk of the court must place any other documents in the file as prescribed by court rule or statute, or as ordered by the court.
- Any record reviewed by the court in making a judicial decision shall be placed in the case file so that all parties have access to that record.

Documents Generated or Issued by the Court:

- Dispositive documents, judgments, findings, written opinions, and orders.
- Notices.
- Warrants.
- Orders of disqualification and case-specific assignments.

Notice and warrants do not have to be placed in the file if the court records required information in the case management system and issues the documents through the electronic filing system in accordance with standards established under [Section 3.3.1.11 – Case Records Electronically Issued/Served/Transmitted by the Court](#).

Uniform Interstate Family Support Act Documents:

Documents received under the Uniform Interstate Family Support Act are to be identified as nonpublic or confidential and either placed in the court's legal case files

and/or routed to the friend of the court office as indicated in the list below.

- FOC confidential document [Child Support Agency Confidential Information Form](#)
- Court nonpublic document [Child Support Locate Request](#)
- Court nonpublic document [Declaration in Support of Establishing Parentage](#)
- Court nonpublic document [General Testimony](#) (and [instructions](#))
- Court nonpublic document [Letter of Transmittal Requesting Registration](#)
- Court nonpublic document [Notice of Determination of Controlling Order](#)
 - Court nonpublic document [Personal Information Form for UIFSA § 311](#)
- Court nonpublic document [Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA § 319](#)
- Court/FOC nonpublic document [Child Support Enforcement Transmittal #1 – Initial Request](#)
- Court/FOC [Child Support Enforcement Transmittal #1 – Acknowledgment](#)
- Court/FOC [Child Support Enforcement Transmittal #2 – Subsequent Actions](#)
- Court/FOC [Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery](#)
- Court/FOC [Uniform Support Petition](#); attached Personal Information Form for UIFSA § 311 is nonpublic

Documents Not Placed in Case File:

- Documents submitted to the court for reasons other than filing shall not be placed in case files. They include, but are not limited to, presentence investigation reports; inventories for purposes of determining estate inventory fees; exhibits submitted for trial; requests for search warrants; and certain nonrecords that are used by the courts for reference, such as driver’s licenses, police reports, and fingerprints.
- Exhibits offered and accepted into evidence are nonrecords and shall **not** be maintained in the case file. See [Section 3.4.2.3, Receipt and Return of Exhibits](#). MCR 1.109(A)(2).
- Discovery materials shall not be filed with the court except as permitted by MCR 2.302(H) and MCR 2.312(F). MCR 1.109(D)(4).
- Receipts should be attached to or placed in the file unless an automated financial case management system provides the receipt information in the automated case-file record.

Handling of Nonpublic, Confidential, and Sealed Documents and Information in Case Files:

- Nonpublic, confidential, and sealed documents that are maintained in the case file shall be identified as required by MCR 8.119(D) and Section 2, Access to Records.
- Nonpublic, confidential, and sealed records on paper must be able to be easily identified and removed from the remainder of the legal file.

- Nonpublic, confidential, and sealed records in electronic form must be indexed appropriately and have permissions restricted to only those staff requiring access. This will assist the courts in protecting nonpublic information. MCR 8.119(D).

Cross References:

See also [Access to Records in Section 2](#).

See also [Section 3.3.2.7 – Financial Statements for Trial Court Collections](#) and Section [3.4.1.1 – Trial Court Collections Activity](#).

Other Related Cites:

General: MCR 2.101; MCR 2.107(D)/(G); MCR 2.113(F); MCR 2.602; MCR 2.603(B)(4); MCR 2.620; MCL 600.8635.

Special: MCR 3.211; MCR 3.302(E); MCR 3.303; MCR 3.310(B)(4); MCR 3.703(A).

District: MCR 4.002; MCR 4.101(A).

Probate: MCR 5.101; MCR 5.102; MCR 5.104; MCR 5.107; MCR 5.162; MCR 8.302.

Juvenile: MCR 3.903(A)(8); MCR 3.932(C); MCR 3.965(B); AO 1985-5.

Criminal: MCR 6.101; MCR 6.104; MCR 6.615(A); MCR 6.901.

Other: MCR 3.615(B); MCL 600.8635.

3.3.1.10 Court Seal and Other Stamps

Required Seals and Stamps:

- Each court of record must have a seal, which identifies the court to which it applies. An electronic seal of the court for use with electronic filing and on electronic documents must comply with the following requirements:
 - **Graphics Format:** PNG or TIFF
 - **Size:** Must be at least 144x144 pixels (height and width should be the same); seal will be resized to 1 ½ inch on the document based upon court configuration settings
 - **Color:** Grayscale (not color, and not just solid black)
 - **Opacity:** Must not obscure text on a document but must still be clearly identifiable when printed and subsequently photocopied
 - **Orientation:** Seal outlines should touch the edges of the image; whitespace around the outside will lead to sizing precision issues
- At a minimum, the clerk of the court must maintain the following stamps:
 - Court seal. Const 1963, art 6, § 19; MCL 600.571(f); MCL 600.832(1); MCL 600.1416.
 - Confidential stamp.
 - Certified copy stamp which includes language such as “This document is a full and correct copy of the original on file in the _____ Court, State of Michigan.”
- Where electronic filing is implemented, the court must maintain the following electronic stamps and comply with the following requirements:

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- Judge name; "JUDGE FIRSTNAME LASTNAME" - Calibri, Regular, 13 point
- Confidential stamp; "CONFIDENTIAL" - Calibri, Regular, 13 point
- Current date stamp; "mm/dd/yyyy" - Calibri, Regular, 13 point
- Clerk name; "FIRSTNAME LASTNAME" - Calibri, Regular, 13 point

Bench Warrant Stamp:

- If a court uses a stamp for issuing bench warrants for entry into LEIN in a paper-based system, the stamp shall contain, at a minimum:
 - 1) Date
 - 2) Amount of bond
 - 3) Signature
 - 4) Reason for bench warrant (FTA, FTP)
- The information shall be stamped in the upper left-hand corner of the file folder and shall be signed by the judge issuing the warrant. MCR 1.109(A)(1)(iv), MCR 3.606.
- For electronically issued bench warrants, see [Section 3.3.1.11](#).

Procedure for Affixing Court Seal:

- When the seal of a court is required to be affixed to any document issued by the court, the word “seal” means the impression of the seal on the paper alone, as well as the impression of the seal affixed by means of a wafer or wax. MCL 8.3n.
- The court seal may be impressed directly upon the instrument or writing to be sealed, or upon wafer, wax, or other adhesive substance, or upon paper or other similar substance, or it may be affixed electronically upon the instrument or writing to be sealed, or affixed electronically upon an electronic document. MCL 565.232.
- For paper documents, when the court is required to affix a court seal on a document, seal the original and all copies.
- For electronic documents, when the court is required to affix a court seal on a document, after the seal is affixed, it must be burned into the image.

Maintaining Court Seal:

- The clerk of the court has the care and custody of all seals pertaining to the office of the clerk for the court.
- Whenever the seal of any court becomes unusable, that court shall have that seal destroyed. MCL 600.1416. If a seal needs to be destroyed, it should be done professionally. Courts can destroy rubber stamps by peeling the rubber off the stamp and cutting it into small pieces with scissors. One company that will destroy seals is Rapid Shred (616-735-2900).
- Whenever the seal of any court is lost or destroyed, that court shall have a duplicate made, which then shall become the seal of that court; the expense of a new seal for a court shall be paid from the state treasury. MCL 600.1416. SCAO will pay for one replacement seal or embosser for use with paper records (which includes a small hand pump) per court (a record of past purchases will be kept by Supreme Court Finance). To ensure full reimbursement, we recommend

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the seal be ordered from Stamp Rite Inc., of Lansing, Michigan. The court should contact the company, send in the old seal, pay the invoice, and then request reimbursement. If a court has an electric seal and needs the embosser replaced and Stamp Rite cannot fill the order for some reason, SCAO will work with the court to accommodate the request.

- If the seal is electronic, the seal key must be under the control of the process creating the seal.
- An electronic image of the court seal for use with electronic documents can be produced from the court's existing seal. A court should contact the company that produced the court's hand pump or electric embosser about producing an electronic image of the court's seal. If the company is unable to provide an electronic image of the court's seal, provide a clear, good quality image of the seal stamped or embossed on paper for use by the court's IT department, a graphic artist, or company that can produce the seal in a graphics format. The court seal must adequately identify the court and meet the requirements stated above in Required Seals and Stamps.

Documents Requiring the Seal of the Court:

- Summons must be issued under the seal of the court that issued it. MCR 2.102(B); MCR 3.301(C); MCR 4.201(C); MCR 4.202(E); MCL 600.1905.
- A paternity notice and child support notice under MCL 722.1495, MCL 722.1499, and MCR 3.230.
- A subpoena must be imprinted with the seal of the Supreme Court of Michigan. MCR 2.305; MCR 2.506.
- An order, judgment, or decree of any court of record of this state that is to be admitted in evidence must have the court seal affixed by that court. MCL 600.2106.
- Whenever a certified copy of any affidavit, record, document, or paper is declared by law to be evidence, such copy shall be certified by the clerk or officer and shall be attested by the seal of the court. MCL 600.2129; MCL 768.22.
- When a copy of a record is to be sent out of state, it must be certified by the judge and attested by seal of the court. 28 USC 1738. See Form [MC 202, Certification of Records](#). See also [TCS memo dated March 8, 2012](#).
- A certificate ordering persons outside the state who are required as witnesses in this state to attend and testify must have the court seal affixed by the court. MCL 767.93.
- A judgment of sentence to a state prison must have the court seal affixed by the court. MCL 769.17.
- A final judgment affecting the title to or possession of property in a county other than the county that tried the case must have the court seal affixed by the court. MCL 600.1659.
- Where electronic filing is implemented, judgments and orders must be issued under the seal of the court. That includes service of process or documents creating the power to arrest, search, or seize. MCR 2.602(A)(4).

Documents Sealed at Discretion of Court:

- Except where electronic filing is implemented, there is no requirement to affix a court seal to service of process or documents creating the power to arrest. These documents may have the seal affixed by the court at the discretion of the court. They include, but are not limited to:
 - 1) Arrest warrants, bench warrants, and search warrants.
 - 2) Pretrial release orders.
 - 3) Writs of garnishment, restitution, execution, habeas corpus and certiorari, and other orders of similar nature.
- Except where electronic filing is implemented, if a court chooses to affix the court seal to a search warrant and the warrant is issued outside regular business hours (i.e., in the home of the judge or magistrate), the court must affix the court seal to the original search warrant when it is filed with the clerk of the court.
- Except where electronic filing is implemented, if a court chooses to affix the court seal on an arrest warrant and the warrant is issued electronically to law enforcement (and the court enters its own warrants into LEIN), the court must still affix the seal to the original warrant kept in the court's case file.

Other Related Cites: MCL 14.102; MCL 24.36; MCL 565.411; MCL 570.404; MCL 570.432; MCL 600.1401; MCL 600.2102-MCL 600.2104; MCL 600.2118a; MCL 600.3175; MCL 600.6051; MCL 600.6093; MCL 767.92; and MCL 768.22 (only applicable to district courts).

3.3.1.11 Case Records Electronically Issued/Served/Transmitted by the Court

Electronically Issued Orders/Warrants:

- Information recorded in the case history by the case management system that is generated for service of process (e.g., notices to appear, bench warrants, and arrest warrants) and that has traditionally been placed in the case file need not be converted to a digital image and placed in the court's electronic document management system if that information can be printed on demand and is served on or transmitted to the appropriate person or entity in the manner and format authorized by the State Court Administrative Office and in accordance with electronic filing and electronic-service standards and requirements. For approved methods of issuance and transmission, see [Section 3.1.2.3 – Electronic Methods for Court Issued and Transmitted Case and Non-Case Records](#). MCR 1.109(A)(1)(b)(iv), MCR 1.109(F)(3)(f).

Electronic Signatures:

- Where electronic filing is implemented, an electronic signature affixed by the judge, district court magistrate, referee, or clerk of the court must comply with the following requirements.

- An electronic signature affixed by the judge, district court magistrate, referee, or clerk of the court (includes the probate register) consists of two stacked lines of text as follows:
 - /s/ followed by the printed name of the signer
 - date
- If a judge is signing on behalf of another judge, the judge on whose behalf the signature is being affixed shall appear after the signer's name as follows:
 - O/B/O followed by the printed name of the judge on whose behalf the signature is being affixed
- An electronic signature stamp must comply with the following format requirements:
 - **Stamp Height:** 3/8 inch
 - **Font:** Calibri, 13 point
 - **Name Format:** Title case
 - **Date Format:** Long form, no time included
- If a judgment or order is being signed, a watermark seal of the court must be affixed over the top of the signature with the position vertically centered between the two stacked lines of text in the signature stamp (signature and date). MCR 1.109(E), MCR 2.602(A)(4).
- Placement of the icon is important so that the date rests slightly above the signature line and so that the seal covers some portion of text in the order or judgment being signed.
- The signature, date, and watermark seal of the court in MiFILE shall be affixed using a single icon.
- Each judicial officer and clerk of the court will have such a stamp for their personal use. In addition, a signature icon will be available in MiFILE for a judge signing on behalf of another judge.
- The signature, date, and watermark seal of the court icon in MiFILE is not used by the clerk of the court when issuing a summons or writ of garnishment but could be used when issuing a default judgment.

Electronic Service of Process:

- A court may serve a party with such recorded information through the electronic filing system. MCR 1.109(F)(3)(e). A court may also serve a party by e-mail or text if the party filed an agreement with the court for service in this manner. Service by e-mail must be made in accordance with MCR 2.107(C)(4). [See Section 3.1.2.](#)
- If the court serves a party with recorded information through the electronic filing system, it shall maintain, in accordance with the state-approved records retention and disposal schedules, a record of every electronic-service transmission that includes the date and time the service notice e-mail was issued, the name of the recipient, the e-mail of the recipient, and the date and time the service notice e-mail was opened. The transmission serves as proof of service under MCR 2.107(D). The service date recorded in the case management system shall be the date issued. All transmission data recorded in the electronic-service transaction

shall also be recorded in the case history of the case to which the transaction pertains. [See Section 3.1.1](#). MCR 1.109(F)(6)(c).

3.3.1.12 Transferring Case Files

(previously labeled Component 11 of the Michigan Trial Court Case File Management Standards)

Applicability of Standard:

This standard does not apply to appellate transfers, to cases reassigned to a judge of another court, to cases where venue has been changed for purposes of trial only, or where Court of Claims cases have been joined with cases pending in trial courts for purposes of trial. For standards regarding appellate transfers, see [3.3.1.15 - Appeal Processing](#).

Conditions for Transfer:

- Venue is changed except when changed for purposes of trial only. MCR 2.222; MCR 2.223; MCR 2.225; MCR 2.226; MCR 3.926(E); MCR 5.128; MCL 600.1653.
- Jurisdiction is transferred, either before or after judgment. MCR 2.227; MCR 3.212; MCR 3.926(E); MCR 3.939; MCR 4.002; MCR 6.911; MCL 600.8423; MCL 766.14.
- A criminal case is bound over from district court to circuit court. MCR 6.110(G).

General Transfer Procedures; Records to be Transferred:

- The clerk of the court is responsible for transferring case files to the receiving court.
- Except for criminal cases or as otherwise required by court rule, statute, or these standards, send all case file contents (original documents or certified copies of documents), depositions and other discovery materials, the original order for change of venue/jurisdiction, and the entire case history. See below for additional specific information. Do not transfer the case file of a case that is transferred for purposes of trial only (including Court of Claims cases joined for trial pursuant to MCL 600.6421).
- If a criminal case is transferred/bound over from one court to another for proper jurisdiction, the clerk of the court must certify and transmit to the court before which the defendant/minor is bound to appear the prosecutor's authorization for a warrant application, the complaint, a copy of the register of actions, the examination return, and any recognizances received. MCR 5.939; MCR 6.110(G); MCR 6.911; MCL 766.14.
- If a case is transferred to the family division of circuit court by the district court, the clerk of the court must send the transcript of the preliminary examination to the circuit court, as agreed, without charge, upon request. MCR 6.911.
- Make arrangements with the receiving court to electronically transfer a duplicate of the complete case history in a manner the receiving court prescribes.
 - 1) In a paper-based system, remove the documents from the case file folder, secure them in some manner, and send them to the receiving court either by
 - (a) registered or certified mail, return receipt requested, or
 - (b) courier service.

- 2) Where electronic filing is implemented, transfer by way of the e-Filing system all documents in the case file and, if requested by the receiving court, the case history, which is to be output to a flat file in a format prescribed by the receiving court and attached to the e-Filing submission. If the receiving court does not request the case history be transferred in a flat file, alternative arrangements for electronically transferring case history must be arranged in consultation with the courts' case management system providers.
- Whether records are paper or electronic, the transferring court shall maintain the original case folder, the automated case history with the last entry being the receipt of the transfer, a record of the transfer (either paper copies of the postal receipts from the registered mailing or electronic notice of the transfer recorded by the e-Filing system), and a copy of the order for change of venue or transfer of jurisdiction. In addition, if a demand for jury trial was filed and paid for, the transferring court shall ensure that a record of that demand is maintained (the case history is sufficient, but a copy of the demand may be kept as well). MCL 600.856; MCL 600.1651 *et seq.*
- Whether paper or electronic, the transferring court shall maintain only a copy of the order for change of venue or transfer of jurisdiction for the file. All other documents must be transferred.
- Update the case history (register of actions) to indicate the case file was transferred and the date it was mailed, or where electronic filing is implemented, the date it was transmitted. Maintain the full case history for the retention period prescribed in the record retention and disposal schedule.
- Any confidential or nonpublic stamp, label, or tag imprinted on or associated with a document or with information on a document by the transferring court must be preserved and clearly identifiable by the receiving court when a case is transferred from one court to another.

Additional Procedures for Domestic Relations Cases:

- Postjudgment transfer of domestic relations cases includes change of venue and transfer of all friend of the court responsibilities. When the transferring court issues a written order to transfer the case, the clerk of the transferring court must send to the clerk of the receiving court all court files and friend of the court files, ledgers, records, and documents that pertain to the action along with the filing fee. Court and friend of the court files must be transferred by registered or certified mail, return receipt requested, or by other secure method (such as electronic transmission. This does not include transmission via MiFILE). MCR 3.212; [SCAO Administrative Memorandum 2007-04](#).
- If an order of transfer is entered in a domestic relations case, the clerk of the court must send to the court that issued the prior valid support order all pertinent documents, including all court files and friend of the court files, ledgers, records, and other materials. Court files and friend of the court files must be transferred by registered or certified mail, return receipt requested, or by other secure method. MCR 3.214.

- If venue is changed in a probate case, the clerk of the court must send to the transferee court, without charge, copies of necessary documents on file as requested by the parties and the original of an unadmitted will or a certified copy of an admitted will. MCR 5.128.

Additional Procedures for Juvenile Delinquency and Child Protective Cases:

- If an order of transfer or change of venue is entered in a juvenile delinquency or child protective case, the clerk of the court shall send the order (form JC 29, Order to Transfer Case) and the original pleadings and other documents, or certified copies of pleadings and other documents, to the receiving court without charge.
- The receiving court must acknowledge acceptance or rejection of the transfer and return the response to the transferring court.
- If the receiving court accepts a case for transfer, it must open a case in the case management system and place a copy of the response in the case file.
- If the receiving court does not accept a case for transfer, it must return the case file along with the response and shall place a copy of the response in a group file. The court must not open a case or enter the response in the case management system. MCR 3.926(E).

Additional Procedures for Transfer of Jurisdiction Filing Fees:

- If a civil action is transferred for lack of jurisdiction and if fee and costs have been paid, the clerk of the court transferring the action shall promptly forward to the clerk of the court to which the action is transferred the original documents filed in the action and the filing fee and shall send written notice of this action to the parties.
- A demand for a jury trial in the court in which the action was originally filed is preserved after transfer, and if the jury fee had been paid, the clerk shall forward it with the file to the clerk of the court to which the action is transferred. MCR 2.227; MCL 600.856; MCL 600.1651 *et seq.*
- If a civil action is transferred from the district court to the circuit court, and if costs and fees have been paid, the clerk of the court from which the action is transferred shall forward to the circuit clerk of the court the original documents, as agreed, in the action and the circuit court filing fee. MCR 4.002.
- If a small claims action is transferred to another court as the result of a counterclaim that exceeds an amount over the jurisdiction of small claims division and the transmittal fee has been paid, the clerk of the court shall transmit all files and documents in the action to the other court as agreed. The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is transferred any transmittal, appearance, or filing fee in the action. MCL 600.8423.

Miscellaneous Transfers:

When a civil action affecting the title to or possession of a property has been tried in a county other than the county in which all the property is situated, the clerk of the court, after final judgment, must certify a copy of the judgment under the seal of the court and transmit, as agreed, the copy to the corresponding court of any county in which property affected by the action is situated. The clerk of the court receiving the copy must file and record the judgment in the records of the court, briefly designating it as a judgment transferred from another court (naming the court). MCL 600.1659.

3.3.1.13 Copying Documents, Certifying Copies, and Certifying Case History Data

(previously labeled Component 12 of the Michigan Trial Court Case File Management Standards)

Charging Reproduction Fees:

A court may charge a reproduction fee for a document pursuant to MCL 600.1988 and in accordance with MCR 8.119(H)(2) and MCR 8.119(J), except when required by law or court rule to provide a copy without charge to a person or other entity.

Copies in General:

- **Requests by General Public:** If a person wishes to obtain copies of documents in a file, the clerk of the court shall provide copies upon receipt of the reasonable cost of reproduction except for requests under MCR 6.433(A). Except for copies of transcripts or as otherwise directed by statute or court rule, a standard fee may be established for providing copies of documents in a file. MCR 8.119(J)(5); MCL 600.878; MCL 600.2543; MCL 600.8631.
- **Copies of Warrants:** If a request is made for a copy of an arrest or a bench warrant, the court must make some notation on the document that it is a copy and not a warrant to be executed.
- **Copies of Transcripts:** If a request is made for a copy of a transcript filed with the court, the copy shall be made only from the official transcript. The charge for copies of transcripts filed with the court shall not exceed \$.30 per page pursuant to MCL 600.2543. See also 3.3.2.3. Court Recordings, Log Notes, Jury Seating Charts, and Media.
- **Copies of Orders/Judgments/Opinions:** The clerk of the court is required to provide a copy of a signed order or judgment to the attorney or party that sought the order. Except where e-Filing is implemented, if the attorney or party does not provide at least one copy when filing a proposed order or judgment, the clerk may charge the reproduction fee authorized by the court's local administrative order under MCR 8.119(H)(2). Whether provided by the parties or the court, copies of orders may be stamped with the name of the judge to signify that it is a copy of an order that has been signed and is placed in the case file.
- **Requests by Executive Branch Offices:** Copies of documents or records of the clerks of any court of record or municipal court shall be provided without payment of a fee or charge to the secretary of state, auditor general, state treasurer, and attorney general, and shall be made available to the director of

commerce for a reasonable fee not to exceed the actual cost for providing the information. MCL 600.2507.

Certified Copies of Documents or Case History:

- The fee is \$1 per page plus a \$10 fee for certification, MCL 600.2546.
- Certification must be made from the official court record regardless of medium (paper or electronic).
- Certification from a digital image is allowed only if the court ensures: (1) the quality of the image at the time it is created and at the time the certified copy is made, and (2) the content of the image cannot be altered after the document is recorded in the court's case management system and stored in the electronic document management system.
- If copies of documents are being admitted as evidence, only certified copies are admissible. MCL 600.2106.
- When certifying information from case history (register of actions), the court may:
 - 1) certify a copy of the paper case history,
 - 2) certify a printout of the electronic case history, or
 - 3) prepare a certificate from the official record that contains the information requested, including a certificate that no record is found in that court's records.

True Copies:

- A reproduction of an original made in accordance with MCL 24.402 is a true copy.
- MCR 3.211(H)(1) is the only court rule that requires a document to have the words "True Copy" written or stamped on the document.
- There is no statutory authority to charge a fee in addition to the copying fee for true copies.

Cross References: See [3.3.1.10 - Court Seal and Other Stamps](#) regarding certification. See [Section 2 - Access to Records](#), for information regarding documents which may not be copied, copying procedures, and associated costs. For information about copying other case-related records such as videotapes and audiotapes, see [Section 3.3.2.3 - Court Recordings, Log Notes, Jury Seating Charts, and Media](#). See [Restoring Destroyed or Lost Case Files, 3.3.1.16](#). See [TCS memo dated March 8, 2012 on exemplification of records](#).

Other Related Cites: MCR 2.119(B); MCR 6.433; MCR 7.210(D); MCL 600.2101 *et seq.*; MCL 768.22. See also the Records Reproduction Act (MCL 24.401- MCL24.403) and DMB Rule 96-046.

3.3.1.14 Consolidating Cases

(previously labeled Component 13 of the Michigan Trial Court Case File Management Standards)

General Standard:

- This standard does not apply to orders for consolidation for purposes of

- alternative dispute resolution.
- The same procedure shall be followed for consolidation for either legal or administrative purposes.
 - Cases may be consolidated only on order of the court. The order should indicate the cases and/or petitions being consolidated, the purpose of consolidation, and the date of consolidation. The order should be entered on all the cases/petitions being consolidated.
 - After an order of consolidation is entered, the administrative activities of case consolidation are the responsibility of the clerk of the court.
 - Case numbers shall not be reused. Leave each case folder in its present numerical sequence in the filing system.
 - Case history (ROA) entries made in the case management system pursuant to MCR 8.119(D)(1) must be recorded in the principal file except as otherwise indicated in the postjudgment procedures.
 - Any confidential or nonpublic stamp, label, or tag imprinted on or associated with a document or with information on a document in a case must be preserved and clearly identifiable when consolidated with another case.
 - Child protective cases are consolidated only when the court has opened a new petition in error, which should have been an amended or supplemental petition. See MCR 3.961(C) for directions on proper use of amended and supplemental petitions. The following are some examples of situations where a new, amended, or supplemental petition should be entered.
 - 1) New Petition
 - a. New child is added to the petition after the adjudication of the original petition.
 - 2) Amended Petition (before adjudication of original petition only)
 - a. Amending allegations
 - b. Amending to request termination at initial disposition
 - c. Adding a respondent parent
 - d. Adding a new child that is a subject of the petition
 - 3) Supplemental Petition (after adjudication of original petition only)
 - a. Request for termination of parental rights
 - b. Adding a respondent parent
 - c. New allegations of abuse or neglect are discovered regarding the same respondent

Case Specific Information:

- In a civil case, after consolidation is ordered, the principal case is the case with the oldest file number, pursuant to MCR 2.505. Follow general procedures.
- In a domestic relations case, after consolidation is ordered, the principal case is the file in which the final order of the new action was entered, pursuant to MCR 3.204(A)(3). If there is a previous order of consolidation, file documents in the newest principal case file and file a copy in the other case file(s) unless otherwise specified by the order of consolidation. Follow general procedures.

- In a criminal case, when a prosecuting official files multiple complaints for multiple offenses arising out of one incident by one defendant, the court must consolidate the complaints into one case. MCR 6.120. Prosecuting officials usually do this before filing with the court. If the court orders consolidation of two or more informations or indictments against a single defendant for other reasons specified in MCR 6.120, the principal case is the case with the lowest file number in the sequence. Follow general procedures.
- In a child protective case, after consolidation is ordered, the principal case is the case with the oldest case/petition number. If the NA file involves multiple children, each child must be uniquely identified within the file.
 - 1) Consolidating Petitions Located in the Same Case File: If a new petition is incorrectly opened in the same case file:
 - a. record entry of the consolidation order in the case history (register of actions) for each petition,
 - b. place the order in the file, and
 - c. provide copies of the order to the parties.
 - 2) Consolidating Petitions Located in Separate Case Files: If a new petition is incorrectly opened under a different case number, follow prejudgment general procedures.
- When consolidation of civil cases is for purposes of discovery or trial only, the principal and non-lead cases remain open, but filings are recorded and placed in the principal case only.
 - 1) After the activity of discovery is over, the case can be unconsolidated by order of the court and notice given that filing activity in the cases can resume using the original file numbers.
 - 2) After the activity of trial is over in each case, the disposition (judgment, settlement, etc.) for each party must be recorded in that party's original case.
- When the court determines it appropriate to conduct a single trial for two or more separate criminal cases involving the same defendant, **do not consolidate the cases or file an amended information.** Instead, the court coordinates resources for trial, which is a function of scheduling. The cases will remain open and the disposition for each case will be recorded in the relevant case.

General Procedures:

Prejudgment:

- File the consolidation order in both case files as a cross reference.
- Record in the case history (register of actions) of each case file, “[case number of case being consolidated] consolidated to [case number of principal file] on [date of order]” and enter this on the file folders of both cases. This cross-reference must be capable of being displayed in the case management system search by case number or party name.
- Send notice to all parties/attorneys of record of the consolidation. The notice must state:
 - 1) All cases consolidated by the court order.

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- 2) The principal case number for all future filings.
 - 3) That all future filings must reference new principal case/petition number [xxx].
- Record and place all subsequent documents in the principal case.
 - Set up any ticklers or popups in the case management system to remind clerks to no longer docket or file documents in any case but the principal case.

Postjudgment:

- When postjudgment documents are filed in consolidated cases, make entries only to the case history (register of actions) of the case file in which the judgment was entered.
- Place postjudgment documents only in the case file in which the judgment was entered unless the documents are permitted to be batch-filed (e.g., requests and writs for garnishment that filed and processed in a given day may be maintained as a group, separate from the case files, after entering information into the case management system).

3.3.1.15 Appeal Processing

(previously labeled Component 26 of the Michigan Trial Court Case File Management Standards)

General Procedures:

- The record normally consists of the original documents filed in the trial court, the transcript of any testimony or other proceedings in the case, and the exhibits introduced. See MCR 7.210(A)(1) and (2) and MCR 7.311(A) and below for further details.
- Any confidential or nonpublic stamp, label, or tag imprinted on or associated with a document or with information on a document by the lower court must be preserved and clearly identifiable by the appellate court when case records are transmitted on appeal. In delinquency and child protective proceedings, the confidential social file is a part of the record and must be transmitted to the appellate court. The clerk must ensure that confidential information is designated as “CONFIDENTIAL” or “NONPUBLIC” (see [Section 2 – Access to Records](#)). MCR 3.903(A). See also [3.3.1.9, Minimum File Contents](#).
- As specified in court rule, send the record on appeal. MCR 7.109(G); MCR 7.210(H); MCR 7.311(A).
- Where e-Filing is implemented in both the lower court and the appellate court, transfer documents by way of the e-Filing system. In all other situations, transmit original documents by courier service or by registered or certified mail, return receipt requested.
- Maintain the original case folder (if one exists), the case history (register of actions) listing the documents transmitted, any postal receipts from registered or certified mailing, and as appropriate, either the order transmitting the record (to circuit court) or a copy of the record production checklist (to the [Court of Appeals, SCAO-approved form CC 71](#)). It is not required to make a copy of the file contents before transmitting the file; however, a court may opt to do so in

situations where other matters continue on that same case in the trial court after the case has been transmitted to the appellate court.

Appeals to the Circuit Court:

- The clerk of the trial court shall ensure that the entries on the register of actions are correct and ready for transmittal, ensure that all exhibits have been filed, and ensure that all relevant documents from the court file are ready for transmittal.
- If the record is ready for transmittal, the court shall sign an order transmitting the record.
- The trial court may order removal of exhibits from the record.
- The trial clerk of the court must send the record to the circuit clerk of the court.
- The circuit court must immediately send written notice to the parties when the record is filed in the circuit court. MCR 7.109(G).

Appeals to the Court of Appeals:

- The trial clerk of the court or tribunal clerk shall timely send to the Court of Appeals the record on appeal in the case pending on appeal, except for those things omitted by written stipulation of the parties.
- Weapons, drugs, or money are not to be sent except upon the request of the Court of Appeals.
- The trial court or tribunal clerk shall append a certificate identifying the name of the case and the papers with reasonable definiteness and shall include as part of the record the following: (1) the case history (register of actions); (2) all opinions, findings, and orders of the court or tribunal; and (3) the order or judgment from which the appeal is sought.
- Transcripts and all other documents that are part of the record on appeal must be attached in one or more file folders or other suitable hard-surfaced binders showing the name of the trial court or tribunal, the title of the case, and the file number. MCR 7.210(G).
- After the Court of Appeals disposes of an appeal, the Court of Appeals will promptly send the original record, together with a certified copy of the opinion, judgment, or order entered by the Court of Appeals to the clerk of the court or tribunal from which it was received or to the Supreme Court if an application for leave to appeal has been filed. MCR 7.210(I).

Appeals to the Supreme Court:

- When requested by the Supreme Court clerk, the clerk of the lower court or tribunal shall certify papers on file in that court and send them to the Supreme Court clerk.
- After final adjudication or other disposition of an appeal, the clerk shall return the original record to the clerk of the lower court or tribunal in which the record was made. MCR 7.311(A), (B).

3.3.1.16 Restoring Destroyed or Lost Case Files

In the event that a case file or portion of a case file is inadvertently destroyed or lost and needs to be recreated, the clerk of the court must create a substitute of the case file or portion of the case file in accordance with the following procedures and MCR 3.607. This standard **does not** apply to a case file or portion of a case file that has been destroyed appropriately pursuant to the Retention Schedule.

Procedure for Substituting Missing Case File or Portion of Missing Case File:

- The clerk of the court must notify the chief judge when a case file or portion of a case file has been destroyed or lost.
- The clerk of the court must determine from the case history (register of actions) of the case which documents are missing.
 - 1) The clerk of the court must make an attempt to notify the parties that the case file or portion of the case file has been destroyed or lost by sending a letter to the parties at their last-known addresses.
 - 2) The letter must include a request that the parties submit copies of the relevant documents pertaining to the case that are in their possession, whether filed with the court or prepared by the court. If the case history is lost or destroyed, the clerk of the court must request from the parties copies of all documents in their possession. In this instance, the clerk of the court shall create a substitute of the case history from the documents received.
 - 3) The court shall recreate any missing documents or orders that are not submitted by the parties. In this instance, the clerk of the court shall review the case history and prepare substitute documents or orders, and shall date the substitute documents and orders identically to the originals. The clerk shall not date stamp the substitute documents.
- Documents shall not be submitted electronically, even where electronic filing is implemented.
- If the clerk needs to prepare a substitute order for judicial signature, the order must be dated with the date the original order was signed, labeled “Substitute Order,” and placed in the file.
- The clerk of the court shall make case history entries indicating that a case file or portion of a case file is destroyed or lost and noting which of the documents have been secured from the parties or substituted by the court.
- The clerk of the court shall stamp “Copy” on all documents received from the parties in response to the letter regarding the missing documents.
- If an entire case file is destroyed or lost, the clerk of the court must note on the case history that the file is a substitute.
- After receiving any replacement documents from the parties, creating substitute documents and orders from the case history, and updating or substituting the case history, the clerk of the court shall review the case history and all documents and certify that the substitute case records are accurate to the best of the clerk’s knowledge.

- 1) The clerk of the court shall submit the certification to the court, requesting the court issue an order under MCR 3.607(D).
 - 2) The clerk of the court shall place the certification in the file and send copies of the certification to the parties.
- If an original case file or portion of a case file is discovered after the creation of the substitute, the clerk of the court shall destroy the substitute case file or relevant portion of the case file and make an entry in the case history (including the titles of the relevant documents) that indicates the original case file or relevant portion of the case file was found and the substitute case file or relevant portion of the case file was destroyed.

Certifying Information from Destroyed Case Files:

When a request is made to certify a final judgment or order of the court that has been legitimately destroyed pursuant to the Retention Schedule, the clerk of the court may certify the record from the case history data. See [Section 3.2](#) for details on required case history data.

3.3.2 Other Case Records

(previously included in Component 8 of the Michigan Trial Court Case File Management Standards)

The clerk or other persons designated by the chief judge of the court shall maintain in the manner prescribed by MCR 8.119 other materials filed with or handled by the court for purposes of case processing, including but not limited to, wills filed for safekeeping, case evaluations, exhibit logs, presentence reports, probation files, problem-solving court treatment files, financial statements for collections, and friend of the court records. MCR 8.119(E). Court recordings, log notes, jury seating charts, and media are also a type of case record. MCR 8.119(F).

These other case records are processed differently than case files and are to be maintained apart from the case files, most of them in a confidential manner and some of them in group files. The retention periods for these other case records are also different than the retention periods for case files. Standards for disposal are specified in [Section 4](#).

3.3.2.1 Adult Problem-Solving Court Treatment Files

Problem-solving court treatment program files are nonpublic. Access to confidential records is limited to authorized individuals under 42 CFR, Section 2.16.

Procedure:

- Maintain separately from the clerk's office, in a secured room and locked container.
- Distinctly mark each file to identify whether public or nonpublic.
- Label each file with last name (first), first name, and case number.
- Program files may be arranged alphabetically or numerically.

- Organize program files by categories of open and closed and maintain each category separately from the other.
- Maintain closed program files for the retention period prescribed in the Retention Schedule.
- Arrange the content of program files with legal documents fastened on one side of the folder and program documents fastened on the opposite side.

Minimum File Contents:

- Order of probation, ordering the defendant into the program.
- Confidentiality forms for the release and exchange of participant information.
- Participant agreement, signed and dated.
- Screening that determines legal eligibility.
- Assessment containing diagnosis that determines clinical eligibility.
- Risk need assessment, if applicable.
- Participant check-in log/report.
- Motion and order for discharge.
- Other documents that are placed in the file when the circumstances warrant are:
 - 1) Program transfer documentation, including the order transferring.
 - 2) Motion and summons regarding probation violation.
 - 3) Amendments.
 - 4) Motion, affidavit, and bench warrant.

Drug Court Case Management Information System (DCCMIS):

- Paper documents, e-mails, and images containing program information should not be stored in the program files/shared drive when the information or data (i.e., drug testing results, treatment notes, program notes, etc.) is required to be stored electronically in the DCCMIS.
- After a program file is destroyed in accordance with the Retention Schedule, the data in DCCMIS for that record is no longer accessible to the court. The data is owned by Advance Computer Technologies and used by the SCAO for program evaluation and policy decision-making.

3.3.2.2. Case Evaluations and Mediation Documents

Minimum Contents of Case Evaluation File:

At a minimum, case evaluation records maintained by the ADR clerk consist of:

- A copy of the Order for Case Evaluation (form MC 30). MCR 2.403(B).
- A copy of the Case Evaluation Notice (form MC 31). MCR 2.403(G).
- Case evaluation summaries filed with the ADR clerk under MCR 2.403(I).
- The decision of the panel filed with the ADR clerk under MCR 2.403(K).
- A copy of the Notice of Case Evaluation (form MC 32) issued under MCR 2.403(K).
- The acceptance or rejection of the panel's decision (case evaluation) by each party. MCR 2.403(L).

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- A copy of the Notice of Acceptance/Rejection of Case Evaluation Award for each party sent by the ADR clerk under MCR 2.403(L)(2).

Documents Prepared by ADR Clerk and Filed with the Court:

- Notes for selection of a particular panel.
- Case Evaluation Notice (form MC 31).
- When an evaluation is rejected, the ADR clerk shall place copies (the originals remain with the ADR clerk) of the following documents in a sealed envelope and file the envelope with the clerk of the court. MCR 2.403(N)(4).
 - Case evaluation (form MC 32, Notice of Case Evaluation and Acceptance or Rejection of Award).
 - Acceptances and rejections of all parties (form MC 33, Notice of Acceptance/Rejection of Case Evaluation Award).

Maintenance of Case Evaluation Files:

- The ADR clerk shall maintain case evaluation records in a manner similar to other group files, separately from case files maintained by the clerk of the court with individual file folders labeled according to case number, and for the period prescribed in the Retention Schedule.
- Case evaluation records are disposed based on the date created. For ease in disposing of the case evaluation documents in a specific case at the end of the retention period, mark the file with the date of the last notice of acceptance or rejection sent by the ADR clerk under MCR 2.403(L)(2) (form MC 33, Notice of Acceptance/Rejection of Case Evaluation Award).

Mediation Documents:

Maintain mediation documents separately from case files or with appropriate restricted permissions. MCR 2.411(H)(8); MCR 2.412; MCR 3.216(H)(8).

3.3.2.3 Court Recordings, Log Notes, Jury Seating Charts, and Media

(previously Components 23 and 24 of the Michigan Trial Court Case File Management Standards)

Note-Taking Procedures:

- The court reporter/recorder who takes testimony in a trial or hearing of any case shall prefix the record of the testimony of each witness with the full name of the witness and the date and time the testimony was taken. At the conclusion of the trial or hearing, the reporter/recorder shall secure all of the records and properly designate them on the outside, and shall keep them in the court until transferred to the clerk. MCR 8.108(C).

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- Mark on the first page of each day's notes the name of the court reporter, the date of proceedings reported in the notes, and "felony" if any felony cases were reported on that day (circuit court). The reporter/recorder shall keep a sufficient index of the testimony.

Maintenance of Records:

- All records as defined in MCR 8.119(F) and regardless of format that are created and kept by the court reporter/recorder belong to the court, must remain in the physical possession of the court (unless stored in the cloud) and are subject to access, inspection, and reproduction in accordance with MCR 8.119(H). MCR 8.108(C). If the records are stored in the cloud, the court is still the custodian of the records and must have control of the records. See [Policy in 1.5](#).
- The court shall retain control over the records relating to any proceedings held in that court including those of court reporters and recorders who are not employed by the court.
- Court reporters' and recorders' notes should be maintained using specific procedures to comply with requirements of the records retention and disposal schedule.
- If the court reporter/recorder needs access to the records for purposes of transcribing off-site, the reporter/recorder may take only a reproduction of the original record, which must be returned to the court upon filing of the transcript. MCR 8.108(C).
- The clerk of the court shall safely keep the records in accordance with these standards and MCR 8.119(F) after records are transferred to the clerk under MCR 8.108(D). MCR 8.108(D).
- The court shall keep the index of the testimony and original notes in accordance with the Retention Schedule.
- Although the retention period is different for felony and nonfelony notes, unless it is practical, felony and nonfelony notes need not be stored separately from one another.
- For records retention purposes, store notes in filing equipment or storage boxes separate from active daily file areas. Mark the outside of the storage container with the inclusive dates and the names of the court reporter/recorder and judge. We recommend that the location of notes be cross referenced with the recorded media if they are not stored together.

Quality of Media:

- Proper control and care of recording media is important to ensure that the media can be located if needed for transcription and that the quality of that media is maintained. Regardless of the media used, the records produced by that media must be accessible for the full retention period specified in the Retention Schedule.
- Both magnetic tape (audio and video) and optical disc (CD-R, DVD-R, and DVD+R) are acceptable technologies for long-term retention (more than 10

years), but a DAS/NAS/SAN digital storage system is recommended due to its durability, redundancy capability, and more advanced technology. Removable magnetic hard or floppy discs or USB keys are unsuitable media for long-term retention of digital records. Media used for backup or disaster recovery need not meet these requirements since they are not kept for long-term retention.

- When optical discs are used for long-term storage, those with a gold reflective layer are recommended. In addition, the optical discs must be the ablative type (WORM or write once, read many).
- When magnetic tape is used for long-term storage, chromium dioxide or evaporated metal tapes are recommended.

Recording Media:

- Comply with the [digital audio and video standards](#) and MCR 8.109 when recording digital media.
- Each batch of tapes or discs should be tested and validated to eliminate batches with manufacturing problems.
- Verify that the data has been properly recorded on the media.

Index of Proceedings:

- All proceedings shall be indexed regardless of the recording media used (see the [Manual for Court Reporters and Recorders](#)).

Labeling/Numbering Tapes and Discs:

- Audiotapes, videotapes, compact discs (CD-Rs), and digital video discs (DVD-Rs and DVD+Rs) should be numbered, each number to have a year-identifying prefix (either two-digit or four-digit), followed by a dash and then a sequence number of some digits in length, and any other identifiers deemed appropriate.
- Preferably, do not use adhesive labels or write-on discs with pen, pencil, or marker because the reflective layer can be degraded by the penetration of inks or solvents. Instead, we recommend that discs be stored individually in containers and that the containers be labeled. If discs are labeled, use only water-based, felt-tip markers with a permanent quality, and mark only on the clear inner hub of the disc where there are no data.

Handling and Transporting Recorded Media:

- Once information has been recorded, handle and transport media carefully. Avoid extreme temperature changes and high humidity, and do not expose the media to ultraviolet light or direct sunlight.
- Handle optical discs by edges only; fingerprints, smudges, dirt, and dust on the laser-reading side of the disc can disrupt the laser focus. Scratches on either the laser-reading side of CDs or DVDs or the label side of CDs and single-sided DVDs can damage the disc.
- Do not bend discs by any means, including their removal from a jewel case. Storing discs long-term in a horizontal position can also cause the disc to become permanently bowed.

Storing Tapes and Discs:

- The media should be kept in a dry, secure area. Special care should be taken to ensure storage areas conform to manufacturer recommendations regarding temperature and moisture exposure. Accessibility should also be considered. These factors should also be considered for storing new unrecorded media, which deteriorates quickly.
- Media used to create duplicate records for purposes of backup/disaster recovery can be maintained for as long as the court deems appropriate.
- Media should be stored vertically in individual cases without paper.
- Ensure tapes are not stored close to a magnetic source (such as electric motors, elevators, and switch rooms).

Access to Recorded Media:

- The court's policy on access to records of court proceedings, regardless of the media, should be included in the local Administrative Order required by MCR 8.119(H)(2)(a) (see [Model LAO 8 for Access, Inspection, Reproduction, and Creation of Records](#)). The court should develop a policy and, if necessary, a procedure regarding attorney/party requests to access and/or view recorded media. Access to the recorded media is limited when access to the record is limited. See [Nonpublic and Limited-Access Court Records](#).
- All recordings created by court reporters and recorders, regardless of the media, are considered court records (see MCR 8.108). Courts must establish a policy whether to provide access for records defined in MCR 8.119(F), and if access is provided, must outline the procedure for accessing those records. The court's LAO for Access, Inspection, Reproduction, and Creation of Records provides the method for determining the reasonable cost of reproducing a recording.

Transfer of Records to Clerk of the Court:

If the court reporter/recorder dies, resigns, is removed from office, or leaves the state, records he or she created and kept in each case pursuant to MCR 8.108(C) must be transferred to the clerk of the court in which the case was tried. MCR 8.108(D).

Preparing, Furnishing, and Filing Transcripts:

- The court reporter or recorder shall prepare without delay, in legible English, a transcript of the records of the proceedings (or any part thereof) when requested by a party or when ordered by the trial court. MCR 8.108(E), MCL 600.8635.
- When a transcript is prepared on the request of a party, the court reporter or recorder shall furnish the original transcript to the party and file a certified copy of the transcript with the clerk of the court. MCR 8.108(E), (F)(1).
- When a transcript is prepared on order of the court, the court reporter or recorder shall file the original transcript with the clerk of the court. MCR 8.108(F)(1).

Reproducing Transcripts:

After an official transcript is filed, copies shall be made only from the official transcript filed with the court. MCR 8.108(F)(2). See [3.3.1.13 – Copying Documents](#).

[Certifying Copies, and Certifying Case History Data.](#)

Procedures for Requesting and Preparing Transcripts:

- It is important to establish clear procedures for handling requests to prepare transcripts and preparing and filing the transcript, including assigning responsibility for capturing accurate request information, retrieving the necessary media, and tracking outstanding requests.
- If attorneys and parties are permitted to purchase copies of recorded media and have transcripts prepared from those copies, it is imperative that the court outline its transcript procedure in writing and mandate that only transcripts prepared through the court's process and in accordance with MCR 8.108 shall be considered official transcripts of the court. See the [Manual for Court Reporters/Recorders.](#)
- When access to the record is limited, access to the transcript shall be limited accordingly. See the [Nonpublic and Limited-Access Court Records](#) chart.
- A court official shall be designated to be responsible for ensuring that transcripts are filed in a timely manner.

3.3.2.4 District Court Probation Files

Probation files in district court are a distinct record and shall be maintained separately from the case files maintained by the clerk of the court under MCR 8.119(D). MCL 791.229.

- Probation files must be kept in the probation department or with probation staff and separate from the legal files maintained by the clerk of the court and in a manner that safeguards confidentiality.
- Probation files must be kept for the retention period prescribed in the Retention Schedule. To facilitate disposal of files, consider maintaining inactive files by the year the probationer was discharged from probation.
- Probation files are nonpublic pursuant to MCR 8.119(E) and are not subject to public access under MCR 8.119(H). They may be accessed only as permitted by statute. See the chart of [Nonpublic and Limited-Access Court Records](#) for guidance on access.

3.3.2.5 Exhibit Log

- An exhibit log must be kept to monitor the acceptance of exhibits offered into evidence.
- All exhibits must be listed on the exhibit log.
- The original exhibit log must be placed in the case file.
- A copy of an exhibit log is a nonrecord and shall be destroyed when of no further use.
- An exhibit log must provide for the following information:
 - Hearing or trial dates.

- Case number.
- Case title.
- Attorneys' names.
- Exhibit description.
- Exhibit numbers.
- Date and time marked.
- Date and time admitted into evidence and initials of receiving clerk.

For further details on receipt and return of exhibits, see [Section 3.4.2.3 – Receipt and Returns of Exhibits](#).

3.3.2.6 Juvenile Delinquency, Designated, and Traffic Probation Files

Probation files for juvenile delinquency, designated, and traffic cases are a distinct record and shall be maintained separately from the files maintained by the clerk of the court under MCR 8.119(D).

- Probation files must be kept in the juvenile probation department or with juvenile probation staff and separate from the legal file and social files maintained by the clerk of the court and in a manner that safeguards confidentiality.
- Probation files must be kept for the retention period prescribed in the Retention Schedule. To facilitate disposal of files, consider maintaining inactive files by date of birth.
- Probation files are nonpublic pursuant to MCR 8.119(E) and are not subject to public access under MCR 8.119(H) or under MCR 3.925(D)(2) by persons having a legitimate interest in the confidential records maintained in a social file as defined in MCR 3.903(A)(3)(b).
- The court may share information regarding the juvenile's probation that is necessary to assist in the transfer of a case between courts or the child's Department of Health and Human Services juvenile caseworker. See the chart of [Nonpublic and Limited-Access Court Records](#).

3.3.2.7 Financial Statements for Trial Court Collections

- The financial statement (form MC 287) or other similar document containing a defendant's identifying and financial information is used by the court in collecting payments toward criminal and civil infraction judgments. It must be maintained in a separate folder/file marked confidential and shall not be accessible to the general public. This separate folder may be stored within the legal case file or completely separate as part of a group file.
- As a group file, the financial statements may be maintained together in a single folder and organized by case number or they may be maintained collectively in a group, with each statement in a separate folder labeled with the case number.

For details about maintaining other information and records collected and maintained

for purposes of trial court collections activities, see [Section 3.4.1.1](#).

3.3.2.8 Friend of the Court Records

Friend of the court records are maintained by the friend of the court office, separate from the clerk's office, in accordance with local procedures. Access is regulated by MCR 3.218. Friend of the court records are subject to the Retention Schedule and the disposal standards in [Section 4](#).

3.3.2.9 Parental Rights Restoration Actions

Personal identifying information in parental rights restoration action proceedings must be sealed in an envelope marked confidential, on which the case number has been written, and placed in a private file. Courts shall not maintain any part of these files electronically, including entry of case history (register of actions entries) into the electronic case management system. MCR 3.615(B)(2).

3.3.2.10 Presentence Investigation Reports

Whether a defendant is placed on probation or not, a probation file is established when a bond investigation or presentence investigation is requested.

- A presentence investigation report produced for a district court case and provided to the court by the probation officer shall be maintained in the probation file of the individual to whom it pertains.
- A presentence investigation report produced for a circuit court case and provided to the court by the Michigan Department of Corrections shall be maintained by the judge assigned to the case in which it pertains until it is no longer needed for the case.
- Presentence investigation reports shall not be placed in the case files maintained by the clerk of the court under MCR 8.119(D).
- Presentence investigation reports are not open to public inspection.
- Copies of a presentence investigation report must be provided to the prosecutor and defendant's lawyer or the defendant, if not represented by a lawyer, not less than two days before the day of sentencing under MCR 6.425(B). Part of a report may be exempted from disclosure as provided by MCR 6.425(B).
- Copies of a presentence investigation report and any attachments to it must be provided to the prosecutor and defendant's lawyer or the defendant, if not represented by a lawyer, after sentencing upon request as provided by MCR 6.425(C). The court must exempt from disclosure any information the sentencing court exempted from disclosure pursuant to MCR 6.425(B).
- The court should not make and retain copies of the presentence report in anticipation of a request from the prosecutor and/or the defendant/defense attorney under MCR 6.425(B) or (C).

3.3.2.11 Screening and Assessment Evaluations

Screening and assessment evaluations are not subject to public access under MCR 8.119(H). They may be accessed only as permitted by statute. See the chart of [Nonpublic and Limited-Access Court Records](#) for guidance on access.

Procedure:

- Do not place screening and assessment evaluations in the legal file.
- Place screening and assessment evaluations in a file for the defendant to whom the evaluations pertain.
- Maintain for the retention period prescribed for a probation file.

Operations Records:

When a court is licensed to conduct screening and assessment (Screening, Assessment, Referral, and Follow-Up – SARF) by the Licensing and Regulations Agency (LARA), the court shall also maintain certain documents pertinent to its license to operate in this capacity, as well as a variety of records for clients. None of these records are court records and they are to be retained in accordance with LARA's rules. R325.14601 *et seq.*

3.3.2.12. Social Files

Maintain social files of juvenile delinquency proceedings, designated cases, and child protective proceedings separately from case files or with appropriate restricted permissions. MCR 3.925. Although the social file is maintained separately from the case file, the social file is a part of the case record and must be sent with the record on appeal. See [3.3.1.15, Appeal Processing](#) and [Section 2 - Access to Records](#).

3.4 Other Court Records

3.4.1 Administrative and Financial

(previously covered, in part, by Component 18 of the Michigan Trial Court Case File Management Standards)

Court records not specified in MCR 8.119(D) (case history and case files), 8.119(E) (other case records), and 8.119(F) (court recordings, log notes, jury seating charts, and media) are considered administrative and fiscal records or nonrecord materials. MCR 8.119(G). Administrative and fiscal records are not subject to public access under the procedures established by MCR 8.119(H). For details on access, see [Section 2](#).

Administrative and fiscal records are defined in the Retention Schedule and may be maintained in the office of the clerk of the court or in the administrative office of the court. These records also include certain non-case records that require some sort of judicial review and determination, such as:

- affidavits of search warrants and search warrants (nonpublic and suppressed),
- applications and orders for PEN register (wiretaps),
- petitions and orders for investigative subpoenas,
- petitions and orders for discovery subpoenas for out-of-state cases,
- juror and witness contempt proceedings,
- marriage license correction orders,
- certificates of mechanics/construction discharge liens,
- appointments to the Soldiers and Sailors Relief Commission, Tax Allocation Board, State Boundary Commission, and Election Commission,
- filling of vacancies in certain offices,
- commissions to take oath.

3.4.1.1 Trial Court Collections Activity

- All financial information and records collected for purposes of trial court collection activity associated with criminal and civil infraction judgments are confidential and must be maintained in a separate folder/file marked confidential and shall not be accessible to the general public. This separate folder may be stored within the legal case file or completely separate as part of a collections file. Examples of these documents include the [MC 287 Financial Statement](#) and financial information provided by the defendant, such as bills, proof of income, and tax information.
- Late letters, time payment letters, final notices, and similar documents generated by a court (or trial court collection staff) or a court's finance office may be kept with the legal case file or stored in a separate collections file if the court chooses. Entries associated with these activities are entered into the case management system.
- Any orders entered regarding financial obligations, such as an assignment of wages or an order to remit prisoner funds, are placed in the legal case file.

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Reference to these documents must be entered into the case management system.

See also [Section 3.3.1.9 – Minimum File Contents](#).

- Judges and collections staff shall have access to all collections records and related information of their court. Judges or collections staff shall permit designated representatives of a third-party vendor that provides collections services to the court to have access to the records pertaining to parties whose debts have been assigned to the third-party collector. Vendors are subject to the same confidentiality rules as the courts and courts shall ensure that vendors adhere to those rules. Auditors must be given access to those records that are required to perform their audit functions.
- See [Collections Program Requirements](#) for more information.

3.4.1.2 Court Calendar and Docket

(previously labeled Component 16 of the Michigan Trial Court Case File Management Standards)

Preparation:

- A court may adopt a trial calendar or other method for scheduling trials without the request of a party. MCR 2.501(A)(2); MCR 8.119(D)(2).
- The names of parties in confidential matters shall not be posted on the calendar or docket. Instead, the public calendar should be designated as “hearing,” with reference only to the case number and without the case type code.
- Individual judges’ calendars (dockets) in multi-judge courts should be prepared daily or weekly and distributed to court personnel and officers.

Use:

- A calendar listing individual cases should be prepared for use by the clerk of the court and other courtroom personnel in calling the cases in an orderly manner.
- Calendars may be distributed to the judges, to prosecuting attorneys, to defense attorneys, and to clerks of the court, and should be posted in public corridors outside courtrooms.
- Public calendars should be posted and should include only the type of hearing, courtroom number, and scheduled time. Party names may be included to assist parties; however, in confidential matters, the names shall not be included.
- The clerk of the court’s copy of the calendar may be used for updating other records and tracking court actions.

Retention:

- The clerk of the court’s copy of the calendar must be retrievable for at least one year as required by the Retention Schedule.
- Public court calendars should be discarded after they are no longer of use.

Other Related Cites: MCR 8.205; Administrative Order No. 2011-3; MCL 600.8551; *Royal Oak Trucking Co v Keller*, 17 Mich App 532 (1969); *Dickinson v Henderson*, 122 Mich 583 (1900).

3.4.1.3 Juror Records

(previously labeled Component 21 of the Michigan Trial Court Case File Management Standards)

Court Jury Records:

Juror Panel and Pool Lists:

These records are lists of jurors delivered pursuant to MCL 600.1331. They are maintained separately from case files and are not subject to public access.

Juror Personal History Questionnaire: MCR 2.510(C).

- The juror personal history questionnaire shall be filed with the clerk of the court or the jury board.
- If the juror personal history questionnaire is filed with the clerk of the court and the juror qualification questionnaire is printed on the other side, the clerk of the court shall ensure that the juror qualification questionnaire is kept confidential.
- The only persons allowed to examine the juror personal history questionnaire are the judges of the court, the clerk of the court or deputy clerks, parties to actions in which the juror is called to serve and their attorneys, and persons authorized access by court rule or by court order.
- Each court shall select and implement one of the model procedures for providing attorneys and parties reasonable access to juror personal history questionnaires.
- Juror personal history questionnaires must be kept on file for three years from the time they are filled out.

Jury Seating Chart:

Maintain jury seating charts so they are not subject to public inspection. Although the press has a qualified right of post-verdict access to juror names and addresses, before releasing the information, the court should determine if release is harmful to the safety of jurors or if release implicates any other interests in the case.

Exhibit Log:

See [Section 3.3.2.5 – Exhibit Log](#).

Witness Log:

Witness logs are public and shall be filed in the case file to which they pertain. MCR 2.401(I)(1).

Juror Questions:

Juror questions are read and answered on the record by the judge. There is no need to keep written questions in a case file. MCR 2.513(N).

Jury Instructions:

Jury instructions are based on model instructions approved by the Supreme Court. They are public and shall be filed in the case file in which they pertain.

Non-Court Jury Records:

Juror Qualification Questionnaire:

- The juror qualification questionnaire is a nonpublic record kept on file by the jury board in accordance with MCL 600.1315.
- It is not a court record and is, therefore, not subject to these standards or to access except upon order by the chief circuit court judge as authorized in MCL 600.1315.

First and Second Jury Lists:

These lists are also known as jury alpha lists and jury random lists and they are jury board records. They are not court records even if they are maintained by a court for a jury board.

Cross References: See also [Section 2 - Access to Records](#) for additional information about public access.

Other Related Cites: See also [Administrative Order No. 1987-1](#).

3.4.2. Non-Case Records

3.4.2.1. Group Files

(previously labeled Component 18 of the Michigan Trial Court Case File Management Standards)

Group files are generally defined as records the court is required to keep but which are not part of a basic case-file series. These case records and noncase records are maintained, in groups, in a manner determined by the court to be most appropriate.

Examples of group files include employee oaths of office, employee notary public appointments, search warrants, judicial inquiries, subpoena for taking deposition on an out-of-state case, filing of letters by foreign personal representative, secret marriages, wills filed for safekeeping, and requests or demands for notice of certain probate court proceedings.

Procedures in General:

- Group files must be labeled, readily accessible, indexed by subject matter, and numbered individually as required by statute or court rule.
- To assist the clerk of the court in monitoring and reporting certain activities, some group files that are not part of a basic case-file series should be assigned a file number using a year identifier followed by a sequential number (e.g., 86-25).
- Documents should be file stamped when appropriate.

Procedures for Files on Officials:

- Enter the following information in a loose-leaf register of officials:

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- 1) Name.
- 2) Date of qualification.
- 3) Commencement and termination of term (if applicable).
- 4) File number.
- 5) File the supporting documents by consecutive number in the appropriate group files by type of official.

Procedures for Search Warrants:

- Search warrants must be filed in an annual group file and organized by date of issuance.
- The original affidavit and search warrant must be maintained by the court, not the clerk.
- Warrants must be moved from the group file and placed in the case file when the court so orders.

Procedures for Judicial Inquiries:

- Judicial inquiries must be filed in a confidential group file by date of issuance.
- The original petition and order must be maintained by the court, not the clerk.

3.4.2.2 Wills Filed for Safekeeping

- Wills filed for safekeeping are confidential under MCL 700.2515.
- The will shall be sealed in a wrapper that contains the testator's name, place of residence, and social security number or state of Michigan driver's license number, if any, and the day on which and the name of the person by whom it is delivered. MCL 700.2515(1).
- Sealed wills filed for safekeeping should be stored in a manner that ensures they are protected from fire and water damage.
- When an unsealed will is delivered to the court for filing in an estate case, the clerk of the court shall:
 - 1) reproduce the original in a format authorized by the Records Reproduction Act (MCL 24.401, *et seq.*),
 - 2) stamp the original filed,
 - 3) place the original in the case file, and
 - 4) store the reproduction apart from the case files. It is highly recommended that courts store digitally imaged reproductions on an offsite server.
- When an unsealed will is opened in accordance with MCR 5.133 and MCL 700.2515, the clerk of the court may store the unsealed original will with sealed wills or with the case files even if no estate case has been filed. If original unsealed wills are stored with sealed wills, the original unsealed wills should be maintained in a way that easily distinguishes them from sealed wills.

MCL 700.2515, MCR 5.133, MCR 8.302.

3.4.2.3. Receipt and Return of Exhibits

(previously labeled Component 20 of the Michigan Trial Court Case File Management Standards)

For purposes of this standard, exhibits are evidence introduced at or during court proceedings to support litigation, not discovery materials attached to pleadings and other documents filed with the court. If discovery materials are to be used at trial, they must be made an exhibit pursuant to MCR 2.518 or MCR 3.930. Exhibits received and accepted into evidence are not court records. MCR 1.109(A)(2). Documents that are not discovery materials filed with the court and later introduced as an exhibit for trial or hearing must also adhere to these standards.

General Procedures:

The court should develop guidelines for accepting exhibits offered into evidence, for maintaining them **during or at trial/hearing**, and for returning or disposing of them after trial/hearing. Generally, accepting exhibits is the responsibility of the court reporter or recorder and returning or disposing of exhibits is the responsibility of the clerk of the court, but these responsibilities may be handled by other court staff.

An exhibit log must be kept to monitor the acceptance of exhibits offered into evidence. See [Section 3.3.2.5](#) for details.

Procedures for Receiving Exhibits: MCR 2.518(A); MCR 3.930(A).

- Upon receipt of exhibits, the individuals assigned responsibility for accepting the exhibits offered into evidence shall do the following:
 - 1) List all exhibits on the exhibit log. **The original of the exhibit log must be placed in the case file. See [Section 3.3.2.5](#) for details.**
 - 2) Mark each exhibit with sufficient information to identify it to the case. Include the names of parties when multiple plaintiffs or multiple defendants are involved. Place a label, or a tag for large bulky exhibits, on each exhibit.
 - 3) When using stamps or stickers, be careful not to obliterate important portions of the exhibit or make it difficult to identify information.

Procedures for Maintaining Exhibits During Trial/Hearing:

- Keep all exhibits secured during trial/hearing. Narcotics, weapons, money, and valuable or sensitive materials should be guarded or secured during court recesses and lunch hours.
- Keep rejected exhibits and other exhibits to be withheld from the jury separate from the admitted exhibits.
- If counsel or the court takes an exhibit from the courtroom during trial/hearing, make a note of the number of the exhibit and the person who has it.

Procedures for Returning or Disposing of Exhibits After Trial/Hearing: MCR 2.518(B), (C); MCR 3.930(B), (C).

- Exhibit logs should not be returned to parties.
- At the conclusion of a trial or hearing, except as follows, exhibits should be

retrieved by the parties submitting them, except that any weapons and drugs or other relevant items shall be returned to the confiscating agency for proper disposition. **Exception:** Reports received at a hearing or trial in a proceeding under the juvenile code, while receipted and maintained in the same manner as other exhibits during trial or hearing, shall not be returned to the persons submitting them but shall be transmitted to the clerk of the court for filing in the social files of the cases to which they pertain. MCR 2.107(G), MCR 3.903(A)(3)(b).

- If the exhibits are not retrieved by the parties within 56 days after the conclusion of the trial or hearing, the court may properly dispose of the exhibits without notice to the parties.
- Except as indicated above, exhibits do not become part of the case file.
- Accepting an exhibit at a trial or hearing does not change its nonpublic status. If a report or other document is nonpublic, its introduction into evidence as an exhibit does not make it public.

3.4.2.4 Consolidated Arrest Warrant/License Suspension Index

(previously labeled Component 22 of the Michigan Trial Court Case File Management Standards)

An integrated arrest warrant/license suspension index is recommended to assist courts in identifying persons appearing in connection with one case who are also the subject of arrest warrants in other cases. Consolidating arrest warrant and license suspension indexes can make the records easier to check and can help ensure timely clearance of warrants in order to avoid arresting people on previously satisfied warrants. Many of the same principles for keeping track of arrest warrants and license suspensions apply to both automated and manual systems.

Establishing Tracking Mechanism:

- Consider developing a method for tracking arrest or bench warrants issued by various sections of the court and for tracking license suspensions. The tracking system should reflect the appropriate information needed to locate a case file at any stage of its life.
- Include all warrants and orders of arrest issued in that court as well as license suspensions.

Procedures for Warrants:

- When a warrant is issued, record the date issued and the type of warrant on the consolidated arrest warrant/license suspension index.
- File the warrant numerically or alphabetically.
- For misdemeanor and felony cases, identify the case in some way to alert the clerks of the court working with the files that an outstanding warrant exists and must be recalled immediately should the defendant appear. Remove the mechanism for identifying the case after the warrant is no longer outstanding.
- Establish time periods for dismissing or recalling outstanding warrants. Review the arrest warrant index twice a year in conjunction with LEIN open warrant lists.

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For cases exceeding these established time periods:

- 1) Where appropriate, prepare a request for dismissal for the prosecutor to complete and submit to the judge; in some cases the prosecutor will extend the review/dismissal date for a specific period of time (or even indefinitely).
 - 2) Receive the signed order of dismissal and perform case-closing procedures.
- Check the consolidated arrest warrant/license suspension index when a defendant is apprehended or appears on a warrant.
 - Inform appropriate court staff of any other outstanding warrants.
 - When a warrant is satisfied, notify the appropriate agencies as soon as possible.

Procedures for License Suspensions:

- When a license is suspended, record the date of suspension in the consolidated arrest warrant/ license suspension index.
- When an individual comes to the court to pay clearance fees, outstanding tickets, etc., check for any outstanding warrants for that same person.

Section 4: Disposal of Records**4.1: Disposal Process****Section 4: Disposal of Records****4.0 Introduction**

This section outlines the procedures to be following by the trial court in disposing of trial court records in accordance with the record disposal policies and the Record Retention Schedules. It details the disposal process and summarizes the disposal requirements for case history and case file documents. The trial court is required to ensure that these procedures are adhered to by all trial court staff as well as any vendor hired to dispose of records and any system provider contracted by the trial court to provide a system for disposing of court records on behalf of the trial court.

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.

Templates are available to assist courts in planning for a disposal project at <https://courts.michigan.gov/Administration/admin/op/Pages/records-management.aspx>. To help courts determine cases eligible for disposal and facilitate the disposal of case records, action steps by specific case-type group are included in the templates. 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 the SCAO if the court wants a disposal plan prepared by the SCAO.

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- 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.

For courts that have an EDMS, some of the steps could conceivably be programmed to occur through an automated process.

Programming Recommendation: We recommend that case management system providers program the capability to produce: 1) an exception report that identifies all cases that meet the criteria for disposal, but are missing essential fields, and 2) an inventory that identifies all cases ineligible for disposal according to the criteria in [Section 4.3](#). The exception report would be used by the clerk to update the case history for cases with missing information. After correcting or updating case history, the clerk would generate the inventory of records ineligible for disposal, which may be attached to the [Order to Dispose Court Records](#) to indicate which cases are not included in the body of records being disposed. See also the programming recommendation in Phase 3.

- 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 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 whether the court must be closed during the effort. If so, prepare an appropriate notice of closing through local administrative order and submit it to the regional administrator for approval. 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. See [Appendix A for a sample notice](#).

Section 4: Disposal of Records**4.1: Disposal Process**

- 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 a 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 specified in [Section 3.2.3](#). 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 or criminal 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.
- 3) Process all cases eligible for disposal according to the criteria in [Section 4.3](#). This includes pulling and setting aside for refiling 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 \(form SCAO 72\)](#). 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 any inventory of records ineligible for disposal to the order so that it is clear from the date range,

Section 4: Disposal of Records**4.1: Disposal Process**

which records were not included for disposal. For example, if case numbers 1 through 10000 for the year 1990 were being disposed, but there were 50 cases in that group that were ineligible, those 50 cases would be listed on the inventory of records ineligible for disposal and attached to the order to make clear they were not included in the transfer or destruction of records. 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 the Archives of Michigan to review and transfer records according to the requirements in [Section 4.3](#). See Phase 3 for further details. Following the assessment, the clerk of the court 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 the Archives of Michigan 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 the Archives of Michigan (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 process should be automated if possible. This option applies only to cases already entered into the case 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.

Section 4: Disposal of Records

4.1: Disposal Process

Programming Recommendation: We recommend that the case management system (or EDMS) be programmed to automate this process. If a record meets the criteria for disposal and all essential fields are present, the court should be able to initiate an action that records a disposal event and date after the case files are disposed in accordance with the Retention Schedule. It should be accomplished with no more than two prompts as part of Phase 3, after the chief judge signs the [Order to Dispose Court Records](#).

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 transfer, 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 https://www.michigan.gov/dtmb/0,5552,7-358-82548_21738_31550-56141--,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. See [Section 1.7](#) for the policy on this.
- 7) Schedule and make any needed alterations to current storage areas while they are empty.

Section 4: Disposal of Records**4.2: Case History Data****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.

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.

Section 4: Disposal of Records**4.3: Case Files and Documents****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. See also [Section 1.7](#).

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. For details, see the [Circuit](#), [District](#), and [Probate](#) templates for records disposal. Other useful resources to aid in records disposal are available from the [Records Management](#) webpage.

Disposal criteria can be used by a case management system provider to program the means for a court to generate both an essential field exception report and an inventory of records ineligible for disposal. The essential fields exception report can be used to identify cases potentially eligible for disposal that have an incomplete case history (register of actions). The report should 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](#).

Section 5: Disaster Mitigation and Recovery

5.0 Overview

Section 5: Disaster Mitigation and Recovery

5.0 Overview

Introduction:

Disaster planning, response, and recovery are key components of a comprehensive court records management program, and the best planning is the systematic and full implementation of each major component of a court records management plan within the broader framework of a court continuity of operations (COOP) plan. Whether a court has a COOP plan or not, the management of vital records is part of a court's emergency preparedness responsibility and requires both a vital records program (to mitigate disaster) and a disaster recovery program. This section provides general guidance in that regard, including policies and procedures that can help courts to assess damage and implement recovery of records affected by a disaster.

For broader guidance on planning and procedures that a court may need to continue its operations in emergency conditions and to protect the legal and financial rights of the courts and the public during an emergency or disaster, see the [Michigan Trial Court Guidelines for Court Continuity of Operations Plan](#).

Definitions:

An *emergency* means a situation or an occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action. This is generally of short duration, for example, an interruption of normal court operations for a week or less. It may involve electrical failure or minor flooding caused by broken pipes. A *disaster* means an unexpected occurrence inflicting widespread destruction and distress and having long-term adverse effects on court operations.

The Council of State Archivists recommends three status levels for records as they pertain to disaster recovery: vital, essential, and nonessential. Vital records must be recovered immediately to resume operations and to provide services to customers. Essential records must be recovered because they contain unique information that cannot be lost; however, these records are not needed to immediately resume operations. Nonessential records are records that not essential to resume operations or that contain information that can be found elsewhere or that can be reconstructed if it is lost.

Continuity of Court Operations Following a Disaster:

The identification and protection of copies of records containing vital information and the implementation of records disaster mitigation and recovery programs are fundamental in reducing the disruption of critical court operations. Courts must act to achieve the aims of continuing operations: resuming normal business operations, protecting legal and financial rights, and recovering damaged records. Court staff should keep in mind that both vital records and records disaster mitigation and recovery programs relate to emergency

Section 5: Disaster Mitigation and Recovery**5.0 Overview**

preparedness. As such, courts should develop a plan of action to respond to emergencies or disasters that may damage the court's records.

Contingency Planning for a Disaster:

Contingency planning is critical to laying the foundation for both a vital records program and a disaster recovery program, and appropriate court staff should be involved in this process.

Consequently, courts should:

- determine the most critical activities that the court must perform if it must operate under other than normal business conditions and in a facility other than its normal place of business;
- identify which records support those critical activities and the resumption of normal operations;
- identify which records series or electronic information systems contain information needed to protect the legal and financial rights of the courts and persons directly affected by the court's actions and preserve copies of such records; and
- establish and implement a plan to recover records (regardless of the medium of recording) that are damaged in an emergency or disaster.

Planning must address actual and potential risks that could adversely affect agency operations and the preservation of records. Possible threats include fire, flood, civil disturbance, and infestation by vermin or other pests. In terms of natural disasters, regional conditions should be considered.

In planning to meet actual and potential risks to court operations and the records needed to support them, court personnel should identify the types of risks to which each of its facilities may be subject. They should also assess the level of each type of risk to determine the type of protection or response that may be required. Some emergencies may require only limited response or may affect one office within the court or an entire facility. They may be local or regional in scope.

Resources:

1. [Michigan Trial Court Guidelines for Court Continuity of Operations Plan](#)
2. Council of State Archivists resources
<https://www.statearchivists.org/programs/emergency-preparedness/records-emergency-planning-and-response-repr/>
<https://www.statearchivists.org/programs/emergency-preparedness/emergency-preparedness-resources/>
<https://www.statearchivists.org/programs/emergency-preparedness/emergency-preparedness-resources/pocket-response-plantm-prep-tm-english-template/>
3. Federal resources
<https://www.archives.gov/records-mgmt/vital-records>

Section 5: Disaster Mitigation and Recovery**5.1 Vital Records Program****5.1 Vital Records Program**

A vital records program is intended to do two basic things: 1) provide a court with the information it needs to conduct its business under other than normal operating conditions and to resume normal business afterward, and 2) enable court personnel to identify and protect the most important records dealing with the legal and financial rights of courts and persons directly affected by the court's actions. Consequently, two types of vital records have been traditionally identified: emergency-operating records and records needed to protect rights. The various components required to implement the program follow.

See also, Section 2 of the [Michigan Trial Court Guidelines for Court Continuity of Operations Plan](#), which outlines the elements of a court continuity of operations (COOP) plan, which includes initial procedures for operations at an alternative facility following an emergency or disaster and discusses the importance of identifying and duplicating vital records beforehand. Legal and financial court records include records of incarcerated persons, case files, trial schedules, and chain of evidence. If these vital records are copied onto media other than its original form, it is only necessary to capture the information rather than duplicating the original form of the record. Even if the court doesn't develop a full-blown COOP plan, the court must maintain duplicates of vital records at an alternate facility and update them on a regular basis. A template for documenting vital records is available in Appendix C-2 of the COOP plan guidelines.

A bibliography of additional resources is available at https://www.michigan.gov/documents/dtmb/rms_disaster_640065_7.pdf.

Program Objectives:

The objectives of a vital records program should be integrated into appropriate position descriptions and any procedural manuals. This documentation should specify court staff responsibilities, provide for training and distribution of information to concerned staff, and require that vital records designations are complete and up-to-date. Relevant information about the vital records program should be disseminated to appropriate personnel and should detail the policies, authorities, responsibilities of court personnel, and the procedures to be followed to protect vital records and to continue operations in case of emergency or disaster.

Responsibilities:

Court personnel responsible for coordinating the vital records program serve a critical function. They must work with other appropriate personnel in the court to identify, inventory, protect, store, make accessible, and update copies of the vital records required in an emergency, including records that document legal and financial rights.

The court administrator or clerk of the court plays a crucial role in providing guidance and assistance in inventorying records and determining appropriate maintenance practices for copies of vital records. The cooperation of other key court personnel is important throughout the life cycle of vital records. Based on the contingency planning analysis and identification of both emergency-operating records and those needed to protect legal and financial rights,

Section 5: Disaster Mitigation and Recovery**5.1 Vital Records Program**

key court personnel must: 1) determine which records within their physical or legal custody are vital, and 2) in consultation with the clerk of the court or court administrator, take steps to ensure that copies of those vital records are properly managed and maintained throughout their life cycle until authorized disposal.

Vital Records Plan:

Each court should develop a vital records plan. The first part of the plan is a description of records that are vital to continued court operations or for the protection of legal and financial rights. The plan also includes specific measures for storing and periodically updating copies of those records.

A very small portion of a court's records may be vital (available sources indicate between one and seven percent). Therefore, courts must make difficult and judicious decisions when designating records as vital. Only those records series or electronic information systems (or portions of them) *most* critical to emergency operations or the preservation of legal and financial rights should be designated as vital.

- Steps to identify and inventory vital records:
 - Consult with the official responsible for emergency coordination,
 - Review statutory and court rule responsibilities and existing emergency plans for insights into the functions and records that may be included in the vital records inventory,
 - Review documentation created for the contingency planning and risk assessment phase of emergency preparedness, and
 - Review current file plans of those responsible for performing critical functions or who may be responsible for preserving rights.

- A vital records inventory should include:
 - The name of the office responsible for the records series or electronic information system containing vital information.
 - The title of each records series or information system containing vital information.
 - Identification of each series or system that contains emergency-operating vital records or vital records relating to rights.
 - The medium on which the records are recorded.
 - The physical location for offsite storage of copies of the records series or system.
 - The frequency with which the records are to be updated.

- Records likely to be selected as vital include:
 - Emergency-operating records.
 - Emergency plans and directive(s), or other authorizing issuances, including information needed to operate the emergency operations center and its equipment, and records recovery plans and procedures.
 - Orders of succession.
 - Delegations of authority.

Section 5: Disaster Mitigation and Recovery**5.1 Vital Records Program**

- Emergency staffing assignments, including lists of personnel, along with their addresses and telephone numbers (and comparable data for alternates), assigned to the emergency operations center or other emergency duties or authorized access to damaged facilities to assess the extent of damage.
 - Emergency operations center access credentials and classified or restricted access container documentation (as required).
 - Building plans and building systems operations manuals for court facilities.
 - Equipment inventories for court facilities.
 - File plans describing the records series and electronic information systems maintained for the court.
 - Vital records inventories.
 - Copies of court operations records (whatever the media) needed to carry out continuing critical functions.
 - System documentation for any electronic information systems designated as emergency operating records.
- Records needed to protect rights: (not inclusive)
 - Accounting records, payroll records, and insurance records.
 - Records relating to contracts, entitlement, leases, or obligations whose loss would pose a significant risk to the legal and financial rights of the court or persons directly affected by its actions.
 - System documentation for any electronic information systems designated as records needed to protect rights.

Vital Records Storage:

After completing the inventory, the court must choose protection methods and storage sites for vital records. The former may include using existing duplicates of the records designated as vital or duplication for this purpose. If performing duplication, it generally is most economical to duplicate the original medium onto the same medium; that is, duplicate microfiche onto microfiche or magnetic tape onto magnetic tape.

Appropriate equipment should be selected to ensure the continued preservation of copies of the vital records until they are updated. In addition, courts should ensure proper environmental conditions for storage of copies of vital records, particularly for those recorded on fragile media such as microfilm, until they are replaced.

Courts should arrange for offsite storage of copies of vital records in a facility not subject to the same emergency or disaster but still reasonably accessible to court staff. The storage site for copies of emergency operation records may be different from the storage site for copies of records needed to protect legal and financial rights.

Whenever feasible, a court should store copies of emergency-operating records in a properly equipped and environmentally controlled emergency operations center. If these vital records are recorded on a medium other than paper, courts should check with the center before initiating the transfer to ensure that appropriate environmentally controlled space is available.

Section 5: Disaster Mitigation and Recovery**5.1 Vital Records Program**

Periodic updating of copies of vital records is essential. The court decides the frequency of updating based on how current its vital records must be to meet its information needs and responsibilities. Depending on those needs and upon the medium on which the vital record is maintained, updating may occur daily, weekly, monthly, annually, or at longer intervals.

Training:

All court employees assigned responsibilities in the vital records program should receive appropriate training that focuses on the identification, inventorying, protection, storage, and updating of copies of the court's vital records. Wherever possible it should be integrated with existing court training initiatives, particularly in such areas as records management and emergency coordination.

Review and Testing:

The court personnel responsible for managing the vital records program should conduct periodic reviews with other appropriate court personnel to determine whether the court's vital records are adequately protected, current, and accessible to the staff who would use them. Courts should periodically test their emergency plans and procedures to determine if the records designated as vital will allow court staff to function effectively in case of emergency. The court personnel responsible for managing the vital records program should work with other test participants to assess the results of the test and to make appropriate modifications where needed.

Section 5: Disaster Mitigation and Recovery**5.2 Records Disaster and Mitigation Recovery Program****5.2 Records Disaster and Mitigation Recovery Program**

Courts should develop appropriate protective measures for their records and copies of their vital records to respond to actual or potential emergencies or disasters identified in contingency planning. This is the records management aspect of emergency management. Vital records are emphasized because they tend to have the greatest value in case of emergency or they require extra protection because they document legal or financial rights. The type and level of value of a record determines the amount of protection courts should provide. Special protective measures for vital records may include using fire-rated filing equipment for storage; constructing onsite vaults; transferring records to offsite storage; duplicating the records at the time of their creation, such as computer "backup" tapes, using existing duplicates as vital record copies; or microfilming vital records. Why is this important? Take a look at a recent disaster at the Houghton County courthouse (Appendix D).

Additional protective measures are needed for records maintained on a medium other than paper. These records require specific environmental conditions and careful handling throughout their life cycle to ensure their preservation. Courts should maintain temperature and humidity controls for special records such as photographs and negatives, microforms, audio and video tapes and disks, and electronic tapes and disks.

When emergencies or disasters occur, however, even the best protective measures may not prevent damage to records. Consequently, courts need to develop records recovery plans for timely and economical response to records disasters in order to salvage or replace damaged records and the information that they contain.

Program Objectives:

Courts must be able to continue operations in case of emergency or disaster. Availability of critical information is key to continuation of operations. Consequently, courts should ensure that responsible personnel are familiar with the records disaster mitigation and recovery program. The court should document the policies, authorities, responsibilities of court personnel, and procedures governing the records disaster mitigation and recovery program. This documentation should clearly assign responsibility for coordinating disaster recovery plans and activities and should also designate other members of a disaster recovery team to be activated in time of need. Courts should distribute this records disaster recovery program information to all appropriate personnel. Below is a list of disaster planning steps that courts may find useful.

Disaster Planning Steps:

- Identify and assign responsibility (committees, task forces, or teams)
 - planning
 - response
 - recovery
- Train members of the committees, task forces, or teams
- Conduct a risk analysis

Section 5: Disaster Mitigation and Recovery**5.2 Records Disaster and Mitigation Recovery Program**

- identify potential building problems
- survey fire protection policies and equipment
- assess ability to protect people
- evaluate potential for damage from natural disasters
- Establish goals and a timetable
- Develop a reporting schedule and reporting lines
- Evaluate records and assign priorities
- Identify potential sources of damage
- Assess prevention and protection needs
 - stockpile supplies and equipment
 - replenish when necessary
- Review fiscal implications
- Prepare the plan
- Distribute the plan
 - train
 - drill
- Evaluate the plan and update it regularly

Levels of Risk:

In developing the records disaster recovery plan, court administrators and clerks of the court should assess the varying intensity of each risk to which their records may be subject. Risks may range from minor flooding affecting only one or two offices in a facility to a major disaster that causes significant damage to an entire region. Generally, water, fire, and smoke damage should receive particular attention as they present the greatest danger of damage to records. If chemical agents are stored in the building or contained in its operating systems, their potential damage should also be addressed during the planning. For example, certain chemicals used in fire extinguishers adhere to records. Although these types of extinguishers may be effective in smothering a fire, they should not be used in areas where records are exposed. Court staff participating in emergency planning should be those involved in contingency planning and risk assessment.

Responsibilities:

The court personnel responsible for managing the records disaster recovery program is the program coordinator. This coordinator should work with other appropriate court personnel on the development and implementation of protective measures to mitigate potential records disasters. The coordinator will also have primary responsibility for ensuring that an up-to-date records recovery plan is in place and available to all concerned personnel.

Key court personnel, such as office managers, are crucial to mitigation of potential records emergencies or disasters. They should work closely with the records disaster recovery program coordinator to ensure all court staff are aware of and execute appropriate protective measures for the records under their control. This is particularly important for electronic information systems where the creation of backup data is an essential protective measure, or for other nonpaper records such as audiovisual records and microfilm. It is more economical to duplicate many of these media (particularly magnetic tape or cartridges) at the time of

Section 5: Disaster Mitigation and Recovery**5.2 Records Disaster and Mitigation Recovery Program**

creation than to attempt to recover a sole copy damaged in an emergency or disaster. Making copies of undamaged records also ensures that all data in the records will be available.

Records Recovery Plan:

A court should include records recovery in its disaster plan with specific procedures for court personnel to follow in the event that an emergency or disaster occurs. The records disaster recovery program coordinator should work with other officials such as the emergency coordinator, Archives of Michigan, information technology personnel, facilities managers, and security staff in developing the records recovery plan. In addition, all other court staff should be briefed on their general responsibilities should such an emergency or disaster occur.

The records recovery plan should provide details about the following processes: (1) notifying the appropriate persons *immediately* in case of emergency to relate details about the nature of the emergency and the level of threat to the records; (2) assessing the damage to records as soon as possible after the emergency and taking immediate steps to stabilize the condition of the records so further damage will not occur; (3) assembling a records recovery team of court staff members to expedite stabilization of the records (generally only for major records disasters); (4) consulting with contractors that provide records disaster recovery services if the damage assessment shows a need for their expertise; (5) recovering the records and the information that they contain, or providing replacement of any lost recorded information when recovery is not feasible; and (6) resuming normal business operations using the recovered records and information. Below is an outline of the components or elements of such a plan.

Elements of Disaster Recovery Plan:

- Table of Contents
- Introduction
 - use of the document
 - how it is to be revised
 - responsible personnel
 - general information about the facility
- Emergency information sheet
 - fire/police departments
 - hospitals
 - emergency shut-off
 - utility companies
 - brief list of emergency respondents
- Telephone/reporting tree
- Records priorities (establish a pack out order – since it may be impossible to remove all records at one time – but do not remove records until photo-documenting the existing conditions and ensuring there is a plan of action)
- Response outline
 - lead personnel responsibilities
 - assessing the situation

Section 5: Disaster Mitigation and Recovery**5.2 Records Disaster and Mitigation Recovery Program**

- organizing/prioritizing efforts
- establishing a command post
- eliminating hazards
- controlling the environment
- dealing with the media
- obtaining emergency funding/supplies
- providing security
- providing human comforts
- training in salvage techniques onsite
- Supply lists and assistance/equipment vendors
- Clear description of salvage techniques
- Rehabilitation plans for conservation treatment (if there is a plan to handle a response in-house, a designated area needs to be identified and outfitted with tables, plastic sheeting, and drying materials. If there is mold, it will be best to turn the project over to a records salvage and recovery vendor.)
- Appendixes

Several additional points should be stressed. In assessing the damage to records, the recording medium must be taken into account. Photographic negatives and microfilm that are water damaged require different treatment from water-damaged paper records. Also, courts should ensure that records with access restrictions are handled only by personnel with proper clearance. Before beginning the actual recovery process, the court should separate any damaged records from undamaged records, wherever possible, to speed up repair and recovery.

A list of records disaster recovery specialists, including their areas of expertise, addresses, telephone numbers, and an individual point of contact, should be prepared before a records emergency or disaster occurs. This list should be checked periodically to ensure that it remains accurate and current. Courts should be aware that disaster recovery specialists often concentrate on very specific problems. One recovery specialist may focus on recovering water-damaged paper records, while another may concentrate on recovery of water-damaged magnetic tape. Consequently, courts should develop as broad a listing of records disaster recovery specialists as possible to respond appropriately to all the potential risks to which all their recorded media might be subject.

Training:

All court employees should receive training appropriate to their records disaster recovery responsibilities. Briefings about the program should be directed to all employees in combination with other emergency preparedness activities devoted to such topics as fire drills or building evacuation drills.

Courts should also train members of the records disaster recovery team and any designated alternate members so they can assist the official coordinating disaster recovery in time of need. At a minimum, team members should assist in assessing the nature and extent of the records disaster and identifying which records were affected and the physical media of the

Section 5: Disaster Mitigation and Recovery

5.2 Records Disaster and Mitigation Recovery Program

records so the recovery manager can report accurately on the disaster and recommend specific recovery steps for approval. For example, if the volume of paper records damaged by water is manageable, the recovery team members may be able to take preliminary steps to mitigate further damage and speed the recovery process.

Review and Testing:

The records disaster recovery program coordinator should conduct a periodic review of the records recovery plan with the assistance of selected court personnel to determine its adequacy and accuracy. This review should include the list of vendors (with telephone numbers, addresses, and other relevant data) that may have to be called upon in case of an actual records emergency or disaster.

The plan should also be periodically tested, much as fire drills and building evacuation procedures are tested. The test should include the records disaster recovery team and evaluate its activities as well as the usefulness and thoroughness of the recovery plan. Modifications to either the plan or to the team's responsibilities should be made as needed.

Section 5: Disaster Mitigation and Recovery

5.3 Response to a Disaster

5.3 Response to a Disaster

Whether or not a court has prepared a vital records or disaster mitigation and recovery plan, should it be facing a disaster, a court can avoid certain pitfalls by observing these tips.

- Get help quickly
 - Call [SCAO Regional Office](#) and SCAO Records Manager at (517) 373-4864
 - Call the court's insurance company
 - Call Archives of Michigan at 517-373-1408
- Organize for the effort
 - Determine local chain of command
 - Designate a point person for the court
 - Arrange for communication with other agencies
 - Determine proper allocation of limited resources (size of event)
- Determine who needs to be enlisted to help with the effort and to what degree or level
 - Community Emergency Management
 - National Guard
 - Local volunteers
 - Archives of Michigan
 - Insurance company
 - SCAO
- Educate the funding unit about the long-term importance of court records and the need to restore them
 - Use the Record Retention Schedule to determine whether any of the damaged records were eligible for disposal before spending money restoring them
 - Identify whether any of the damaged court records contain critical information that cannot be obtained elsewhere (from Vital Statistics or register of deeds)
- Determine medium in which restored documents will be accessed (paper or digital)
 - Make preliminary assessment of storage needs and costs based on medium
 - Determine estimated transportation costs (to and/or from site) (can start at \$100,000)
 - Determine estimated cost to restore documents to chosen medium (can start at \$250,000)
- Determine the funding options available for the disaster recovery effort.
 - Insurance
 - FEMA
 - Funding Unit

Section 6: Additional Resources

6.1 Records Management Services

The State of Michigan administers a master contract with a vendor that complies with the state's requirements for confidential destruction of records. The rates and terms for this contract apply to state government agencies only, but local governments may contact Records Management Services for a price quote and information. For more information, see https://www.michigan.gov/dtmb/0,5552,7-358-82548_21738_31550-56141--,00.html.

Rapid Shred
www.rapidshred.com
616-735-2900

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
https://www.michigan.gov/dtmb/0,5552,7-358-82548_21738---,00.html

6.2 Archives of Michigan

The Archives of Michigan accepts the transfer of court records that have historical value and that have reached the end of their administrative life. These records have already been identified on the Retention Schedule.

The Archives will also provide records management guidance to courts to ensure the preservation of all public records, regardless of their ultimate disposition. The State Court Administrative Office will work with Archives and the courts to that end by developing disposal plans for courts who request them.

The Archives is located in the Michigan Library and Historical Center, west of the State Capitol.

Archives of Michigan
702 West Kalamazoo Street
Lansing, Michigan 48915
517-373-1408
Fax: 517-241-1658
E-mail: archives@michigan.gov
<http://www.michigan.gov/archivesofmi>

6.3 Recommended Resources

1. Developing an Electronic Records Preservation and Disposition Plan: Resource Bulletin.
<https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/6JTC%20E%20Records%2010%20FINAL.ashx>
2. Electronic Records Management Guide for the Judiciary
https://nacmnet.org/sites/default/files/NACM_ERM_GuideFINAL.pdf
3. The NDSA Levels of Digital Preservation: An Explanation and Uses
https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Webinar%20Materials/eRecords/Handout%203%20-%20NDSA_Levels_Archiving_2013.ashx
4. Department of Defense 5015.2 Standard
<http://jitc.fhu.disa.mil/projects/rma/downloads/p50152stdapr07.pdf>
5. JTC Resource Bulletin, Making the Case for Judicial Tools
<https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Judicial%20Tools%201%200%20FINAL.ashx>
6. JTC Resource Bulletin, Implementing Judicial Tools
<https://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Judicial%20Tools%20II%2003-14-2016%20FINAL.ashx>
7. Essential Records Guide, August 2018
<https://www.archives.gov/files/records-mgmt/essential-records/essential-records-guide.pdf>

DATE

NEWS RELEASE

For Immediate Release

For Further Information Contact:

NAME

TITLE

PHONE

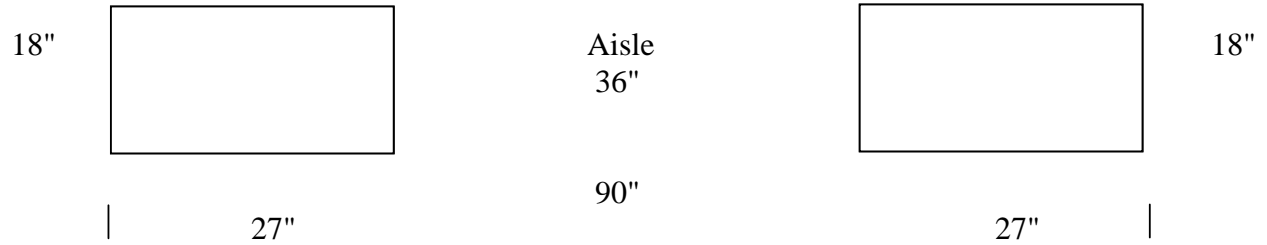
DATE

The [name] Court will close the Office of the Clerk of the Court on [days and dates] so that employees [and members of the State Court Administrative Office] can dispose of court documents that are no longer required to be retained by the court. The closing was ordered by Chief Judge [name] through a notice of closing issued today. While the court will be closed, emergency matters will be handled by calling [phone number].

[Other language can be included to instruct persons how to file papers during the closing.]

Floor Space for Filing Equipment

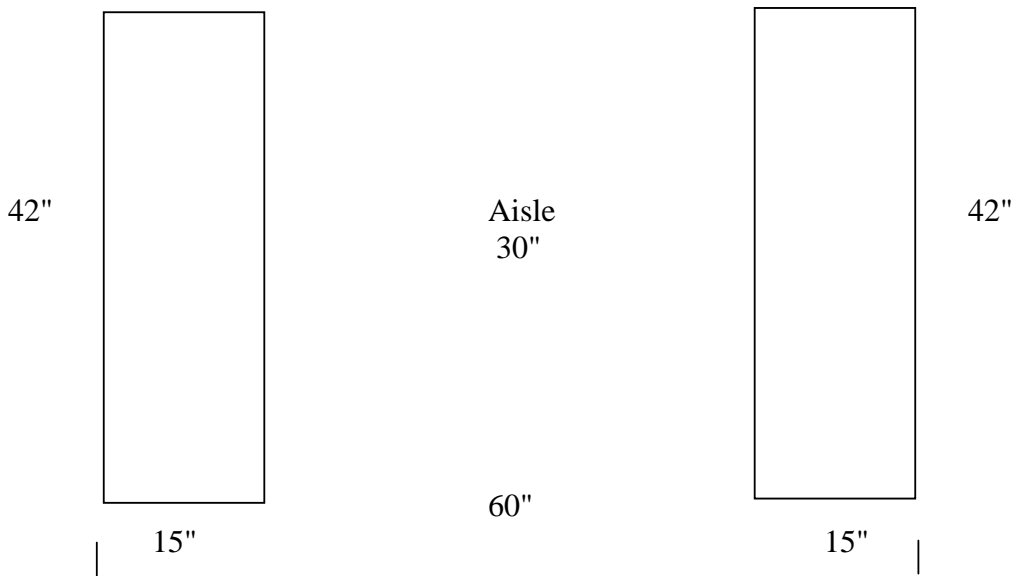
A. Five-Drawer File Cabinet



Formula:

$18" \times 90" = 1,620$ square inches divided by 2 = 810 divided by 144 = 5.625 square feet
(round up to six square feet per cabinet)

B. Open Shelf Filing Units



Formula:

$42" \times 60" = 2,520$ square inches divided by 2 = 1260 divided by 144 = 8.75 square feet
(round up to nine square feet per unit)

Volume and Linear Dimension Conversion Table

<u>Equipment Description</u>	<u>Cubic Feet</u>	<u>Linear Inches</u>	<u>Linear Feet</u>
Vertical Files:			
Legal-Size Drawer	2.0	24	2.0
Letter-Size Drawer	1.6	24	2.0
Lateral Files:			
Letter Size 30"	1.8	30	2.5
Letter Size 36"	2.2	36	3.0
Letter Size 42"	2.6	42	3.5
Legal Size 30"	2.2	30	2.5
Legal Size 36"	2.2	36	3.0
Legal Size 42"	2.6	42	3.5
Card Files:			
3" x 5" - 24" Drawer	0.2	24	2.0
5" x 8" - 24" Drawer	0.6	24	2.0
Shuck Files - Drawer	0.35	03	0.25
Storage Boxes:			
One Cubic-Foot Letter	1.0	15	1.25
One Cubic-Foot Legal	1.0	12	1.0
Transfer Boxes:			
2.5 Cubic-Feet Legal		2.5	242.0
2.5 Cubic-Feet Letter			

Equipment Evaluation

Guide to Increases in Filing Capacity Using Alternate Storage Equipment in Place of Four-Drawer, Letter-Size Cabinets

by Robert P. Gilotte, "Circular Filing vs. Linear Filing," *ARMA Quarterly* 16, No. 3 (July 1982), pp. 18-20.

Five-Drawer Cabinet.....	20%
Letter-sized lateral file, open-shelving type	
5-tier	60%
6-tier	89%
7-tier	118%
8-tier	146%
Letter-sized lateral file, enclosed with doors, 6-tier	43%
Times-two cabinet	
5-tier, stand-alone	49%
5-tier, as add-on unit	71%
6-tier, stand-alone	75%
6-tier, as add-on unit	102%
7-tier, stand-alone	101%
7-tier, as add-on unit	133%
8-tier, stand-alone	128%
8-tier, as add-on unit	164%
Power Files	
14 carriers.....	79%
16 carriers.....	102%
18 carriers.....	125%
Lateral mobile shelving, 2-tier	
6 shelves.....	158%
7 shelves.....	198%
8 shelves.....	238%
Lateral mobile shelving, 3-tier	
6 shelves.....	218%
7 shelves.....	268%
8 shelves.....	313%
Vertical mobile shelving, 6-foot sections, 4 sections per aisle	
6 shelves.....	202%
7 shelves.....	256%
8 shelves.....	305%
Vertical mobile shelving, 9-foot sections, 4 sections per aisle	
6 shelves.....	239%
7 shelves.....	294%
8 shelves.....	336%

State of Michigan Records Management Services Metadata Retention Guidance

General Schedule #8--Metadata states, "Metadata is broadly defined as 'data about data.' There are many types of metadata, some of which are created manually, and some of which are created automatically by computer systems. Metadata is not a record in and of itself; it is a component of a record. Metadata does not need to be retained after it is created, and may be destroyed at any time after creation."

General schedules apply to multiple agencies and only establish minimum retention periods for retaining records. However, it is acceptable for agencies to retain records longer than the minimum timeframe established in the general schedule, as needed. General Schedule 8 provides state agencies with the authority to dispose of metadata, but it does not require agencies to do so. State agencies should establish a normal routine for disposing of records in accordance with the provisions of approved Retention and Disposal Schedules.

Not all metadata possesses the same value; some of it is necessary, most is not. For the purposes of this document, four categories of metadata are defined: substantive, system-based, structural, and embedded.

- **Substantive** metadata is application-based and may contain modifications, edits, comments, etc., that are not reflected in the final publication version of a document. For example "track changes" information in Microsoft Word.
- **System-based** metadata includes information automatically captured by the computer system, such as author, date and time of creation, modification dates, access dates, etc. Some computer systems generate audit trails of user activity.
- **Structural** metadata includes information necessary for the proper operation of the file such as formats, compression, syntax rules, size, type of file, etc.
- **Embedded** metadata consists of characters and content that are directly inputted, but not necessarily visible on output, such as spreadsheet formulas, hyperlinks, properties, or index fields.

Some computer systems will overwrite metadata over time, such as the last accessed date field. Some metadata can be lost when an electronic record is converted to a new format (such as a migration from one format or software program to another, or when printing to paper). Metadata may be essential to support the ongoing functionality of an electronic record, such as formulas or index fields. Metadata may also be needed to document the authenticity of the electronic record, such as audit trails. Individual agencies will determine for each record series that they create when the metadata is no longer necessary.

Records Management Services recommends that state agencies retain and organize their records according to the business process they support, not the technology that was used to create them. Employees should only need to look one place to find the document or information they need. Therefore, if the bulk of the records for a business process are maintained in paper files, the corresponding electronic records should be printed and filed in those paper filing systems. If the bulk of the records for a business process are maintained electronically, then the e-mail, word processed documents, spreadsheets, digital images, etc.

should all be kept together in that central electronic file. The disposal of non-essential metadata should not prevent state employees from following these best practices for recordkeeping.

Note: If a state agency is notified that some of its records will be relevant to litigation, audit or investigation, it must immediately cease the destruction of those records (even if destruction is authorized by an approved Retention and Disposal Schedule) until that activity has ended. Once notification is received, the records must be retained in their native format so no metadata is disposed of. If relevant records exist in electronic formats, the agency should notify information technology staff. Failure to cease the destruction of relevant records could result in penalties from state and federal courts.

If you have questions or need additional assistance, please contact Records Management Services at 517-335-9132 or visit our website.

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