

Order

Michigan Supreme Court
Lansing, Michigan

November 15, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2017-28

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

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

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 1.109, 5.302, and 8.108 of the Michigan Court Rules are adopted, effective January 1, 2024.

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

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

(A)-(C) [Unchanged.]

(D) Filing Standards.

(1)-(9) [Unchanged.]

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

(a)-(b) [Unchanged.]

(c) Redacting Personal Identifying Information.

(i)-(iii) [Unchanged.]

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

(d)-(e) [Unchanged.]

(11) [Unchanged.]

(E)-(H) [Unchanged.]

Rule 5.302 Commencement of Decedent Estates

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

(1) When filing either an application or petition to commence a decedent estate, two copies of the death certificate must be filed with the application or petition attached. If the death certificate is not available, the petitioner may file two copies of ~~provide~~ alternative documentation of the decedent's death. In either instance, the petitioner must redact from one of the copies being filed all protected personal identifying information as required by MCR 1.109(D)(9). The unredacted copy of the death certificate or alternative documentation must be maintained by the court as a nonpublic record.

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

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

(B)-(D) [Unchanged.]

Rule 8.108 Court Reporters and Recorders

(A)-(E) [Unchanged.]

(F) **Filing Transcript.**

(1)-(2) [Unchanged.]

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

(G) [Unchanged.]

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

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



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

November 15, 2023

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk