

<p style="text-align: center;">STATE OF MICHIGAN SIXTH JUDICIAL CIRCUIT COURT and OAKLAND COUNTY PROBATE COURT</p>	<p style="text-align: center;">ACCESS, INSPECTION, REPRODUCTION AND CREATION OF COURT RECORDS AND MATERIALS</p>	<p style="text-align: center;">ADMINISTRATIVE ORDER 2011- 01J 2011- 01J</p>
---	--	--

INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(E), effective September 30, 1999, and 8.110(C) (7), effective October 1, 1988. It rescinds Local Administrative Order 2007-1, effective February 21, 2007, and Probate Court Administrative Order 2006-05, effective September 1, 2006. The purpose of this order is to regulate requests for inspection and reproduction of court records and to allow flexibility in providing approved forms or creating new records.

1. Court records are public unless specifically made not public by statute, court rule, case law, or court order. Specific court records include case files, registers of actions, indexes, video/audio/digital court recordings, and other court records. Procedures for inspection and reproduction of nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, Nonpublic and Limited Access Records Chart, and Administrative Order 2006-2, Privacy Policy and Access to Records.

2. A list of court records not subject to public inspection is contained within the Nonpublic and Limited Access Records Chart.

3. Court records are not subject to Freedom of Information Act requests. MCL 15.232(d) (v) specifically exempts the judiciary from the Freedom of Information Act.

4. In accordance with MCR 8.110(C) (7), the court shall provide litigants with forms approved by the State Court Administrator at the cost of \$.50 per form.

- a. Parties will be limited to a maximum of five copies per each type of form requested.
- b. There will be no charge for forms requested by court-appointed attorneys on cases to which they have been appointed or for indigent parties.
- c. There will be no charge for forms prepared by the court.
- d. The circuit court or clerk of the court may not charge for pro se forms for personal protection proceedings or motion forms for criminal post appeal relief. MCL 600.2950, 600.2950a, MCR 6.502(C) (15)

5. Any person may inspect any court record to which access is not restricted by statute, court rule, case law, or court order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).

a. General

- 1) All requests for court records and/or copies must be made on a "record/copy request form" and must specify a complete case number or party names except as provided under item b. 5).
- 2) Persons who do not have a complete case number or party names may review available case indexes to identify and select specific cases for inspection.
- 3) Ensuring the right of immediate access to and public inspection of court records shall be a top priority but may be limited by the availability of court staff to supervise the inspection.

b. Access

- 1) Requests for access to no more than ten specific case files will be accommodated within one hour unless the files are in storage.
- 2) Requests for access to more than ten specific case files will be accommodated within a reasonable amount of time depending on the total number of case files requested and the availability of court staff.
- 3) While copies of video and audio records will not be provided, requests to view video and audio records (digital and analog) of court proceedings shall be granted within 48 hours, unless the records are in storage, with the following restrictions:
 - A. Access to video and audio records is only available during normal courthouse hours.
 - B. If access is requested for a video or audio record that cannot be previewed in its entirety before the end of business on a particular day, the requester will be required to return the next business day to finish previewing the record.
- 4) Requests for specific court records in storage will be accommodated within three working days.
- 5) Case information requests from other courts that lack specific case numbers or party names shall be researched by this court. Requested information will be provided at no charge and will not require a "copy request" form.

- 6) Requests to perform general traffic or criminal record checks that do not have specific case numbers or party names will not be researched by the court. Individuals presenting such requests will be referred to the appropriate state agencies to obtain this information or to the available indexes referred to under subsection 5.a.2.
- 7) Requests for the wholesale review of particular types of court records will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. The court is not required to develop special procedures for the convenience or cost/benefit of persons requesting access and may specify the date, time, and manner in which access is to be granted. It will be the responsibility of those persons requesting access to make prior, acceptable arrangements with the court.

c. Copies

- 1) The records custodian will provide a limited number of copies, not to exceed twenty total pages, at a cost of \$1.00 per page within one hour of the request for copies. Certified copies will be provided for an additional charge of \$10.00 per certification.
- 2) Requests for more than twenty total copies will be accommodated within a reasonable amount of time as determined by (1) the total number of pages to be copied, (2) the availability of staff and copying equipment, and (3) the nature of the request, i.e., the degree to which court staff or the records custodian is required to identify, select, and review documents to be copied.
- 3) Copies of video and audio records cannot reasonably be provided.
- 4) In order to preserve and maintain the integrity of court records and to prevent unreasonable interference with the discharge of court functions, persons will not be permitted to copy or otherwise duplicate court records using their own equipment.
- 5) Official court transcripts are those prepared in accordance with MCR 8.108. Copies of the official transcripts can be obtained for a fee pursuant to MCL 600.2543.

d. New Record Creation

- 1) Requests for creation of a new record or compilation of records pertaining to case files or case-related information which are granted will be accommodated within a reasonable amount of time

- a) as determined by the availability of sufficient data already contained in the records or record data base to easily identify those records requested, and
 - b) only if such compilation will not unreasonably interfere with the discharge of court functions.
- 2) Costs to provide records under this subsection will include direct costs to the court to develop, generate, and validate the accuracy of the record.

Effective Date:

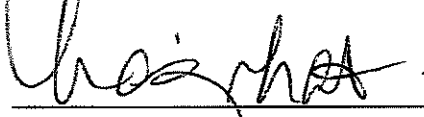
Date:

2/17/11

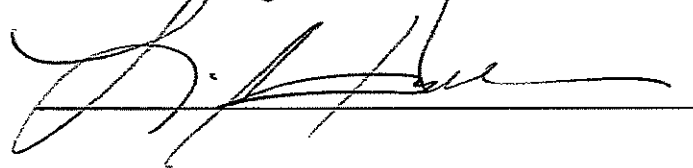
Date:

2-18-11

Chief Circuit Judge Nanci J. Grant:



Chief Probate Judge Linda S. Hallmark:



SIXTH CIRCUIT COURT'S COURT RECORD/COPY REQUEST

- 1. Date of Request: _____
- 2. Requested by: _____
Name _____
Address _____
Home telephone no. _____ Business telephone no. _____

- 3. Specify the complete case number and/or party name(s):
Case Number: _____
Party Name(s): _____ v _____

- 4. Nature of Request:
 Review Record. (Specify the type of record, such as case file, recording, etc.)

 Obtain Copies.

- 5. If copies are requested, list type of record to be copied:
 Complete case file (except for any nonpublic court records).
 Specific court record. (List documents, recordings, etc. Use an additional page if necessary.)

NOTE: Michigan law does not require that you place your name and address on this form. This information is requested to facilitate the processing of your request.

For Court Use Only

_____ copies x per record/page charge of \$ _____

Total charged: \$ _____

Processed by: _____
Court Clerk Date

SIXTH CIRCUIT COURT
COURT MEMORANDUM

TO: Persons Requesting General Record Checks

FROM: Kevin Oeffner, Court Administrator

Please be advised that per Sixth Circuit Court Administrative Order 2011-0_, a specific case number or the party names are required in order to provide the information you have requested.

If you do not have a specific case number or case name, the following options are available:

1. You may review available case indexes at the Sixth Circuit Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent court cases from this court.
2. A more complete record check may be requested by writing the appropriate state agency. Both the Michigan State Police and Department of State maintain computer information expressly for this purpose.
 - (a) To obtain a Criminal Record Check either contact the Michigan State Police, Central Records Division at (517) 241-0606 or go to the Michigan State Police Website at: www.michigan.gov/ichat to obtain information on how to use the Internet Criminal History Access Tool (ICHAT)
 - (b) To obtain a Driving (Traffic) Record contact the:

Michigan Department of State
Commercial Look-up Unit
7064 Crowser Drive
Lansing, Michigan 48918
Telephone: (517)322-1624

Once you receive complete record checks, you will be able to contact the appropriate police agency or court listed on the records to obtain case specific information.

The Sixth Circuit Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court at 248 858-0345.