ADMINISTRATIVE ORDER
43rd Circuit Court, 2025 -2J
4th District Court, 2025-2J
Cass County Probate Court, 2025-2J

Rescinds Administrative Orders 2023-4J (43rd Circuit Court), 2023-6J (4th District Court), and 2023-3J (Cass County Probate Court)

This administrative order is issued in accordance with Michigan Court Rules 8.119(H) and 8.110(C)(8). The purpose of this order is to regulate requests for access, inspection, and reproduction of public court case records and to allow flexibility in providing approved court forms or creating new case records.

IT IS ORDERED:

The clerk may not permit any case record to be taken from the court without the order of the court. The court may provide access to the public information in a register of actions through a publicly accessible website; however, all other public information in its case records may be provided through electronic means only upon request.

1. Court records addressed by this administrative order include:

    a) Records Kept by the Clerk of the Court. This includes case files, registers of action, numerical and alphabetical indexes, and calendars. MCR 8.119(D).

    b) Court Recordings, Log Notes, Jury Seating Charts, and Other Media. This includes video/audio/digital court recordings, notes, tapes, logs, backup tapes, discs, and any other medium used or created in the making of a record of proceedings and kept pursuant to MCR 8.108. MCR 8.119(F).

2. Procedures for accessing, inspecting, and reproducing nonpublic information and records are set forth in Section 2 of the Michigan Trial Court Records Management Standards, chart of Nonpublic and Limited-Access Court Records, Local Administrative Order C43 2014-3 (Access to Friend of the Court Records), and Administrative Order 2006-2, Privacy Policy and Access to Records.

3. A list of court records, including those defined in MCR 8.119(E), that are not subject to public access and inspection is contained in the chart of Nonpublic and Limited-Access Court Records.

4. Court records are not subject to Freedom of Information Act requests. MCL 15.232(h)(iv) specifically exempts the judiciary from the Freedom of Information Act.

5. In accordance with MCR 8.110(C)(8), the court shall provide litigants with forms approved by the state court administrator at the cost of $1.00 per form.

   a) Parties will be limited to a maximum of 5 (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 a fee 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).

6. Any person may access and inspect, at no charge, any case record or information contained in those records, regardless of means of access and record format, unless access is restricted by statute, court rule, or a court order entered pursuant to MCR 8.119(I), and may make photographic copies in accordance with MCR 8.115(C)(5)(a) or obtain copies subject to the following regulations established in accordance with MCR 8.119(J).

   a) General

      i) All requests to access and inspect case records identified in this administrative order and/or for copies of those records must be made by directing the request for access or inspection, in writing, to the court clerk, specifying the specific record or information requested, with, at a minimum, the parties' names or case number for the case(s) on which information is sought.

      ii) 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.

      iii) Case records shall be reviewed at the public counter or on the public OnBase Access Terminal unless, in the discretion of court supervisory personnel, approval is granted to review records in the clerk's office based on available space, the type and number of records to be reviewed, and the length of time necessary to review them.

      iv) 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

      i) Except for online public case indexes and registers of case action, requests for access and inspection to no more than 5 (five) specific case files will be accommodated within 1 (one) business day unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within 10 (ten) business days. The time frame for accommodation of requests may be increased beyond the general time frames set in this order if retrieval of the requested case files is impacted by legislation, court rules, or other directives that impact court staff's ability to release the case files. This includes but is not limited

to any legislation that requires staff to review case files for personal identifying information, expunged convictions, or other information before providing the public with access to a case file.

ii) Requests for access and inspection to more than 5 (five) specific case files will be accommodated within a reasonable amount of time, depending on the total number of case files requested, the availability of court staff, and the impact of any legislation, court rule, or other directive that impacts court staff's ability to release case files.

iii) Case information requests from other courts that lack specific case numbers or party names shall be researched by this court. The requested information will be provided at no charge.

iv) Requests to perform general traffic or criminal record checks that do not have specific case numbers and party names will not be researched by the court. They will be referred to the appropriate state agencies to obtain this information or to the available indexes referred to under subsection 6(a)(ii).

v) Requests for the wholesale review of particular types of case records will only be considered when, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. With these types of requests, the court 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

i) The court will provide copies of case file documents 25 (twenty-five) or fewer total pages at a cost of $1.00 per page within a reasonable amount of time as determined by: (1) the total number of pages to be copied, (2) the availability of court staff and photocopying equipment, and (3) the nature of the request, such as the degree to which court staff are required to identify, select, and review documents to be copied. Copies of transcripts filed with the court shall not exceed the statutory copy rate for transcripts set by MCL 600.2543.

ii) Attorneys, parties, and members of the public may use a portable electronic device to reproduce public court documents in a clerk's office as long as the device leaves no mark or impression on the document and does not unreasonably interfere with the operation of the clerk's office consistent with MCR 8.115(C)(5)(a).

iii) Requests for more than 25 (twenty-five) total copies of case file documents will be accommodated within a reasonable amount of time as determined by: the (1) total number of pages to be copied, (2) availability of court staff and photocopying equipment, and (3) nature of the request, such as the degree to which court staff is required to identify, select, and review documents to be copied.

iv) 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, other than a portable electronic device defined in MCR 8.115(C)(2)(a).

v) Copy fees and timelines apply to both requests for electronic and paper copies. Copy fees are per page.

vi) Paper copies must be picked up in person, or a self-addressed, pre-stamped envelope must be provided in advance.

d) New Record Creation

i) Requests for the creation of a new record, as defined in MCR 8.119(J)(5), will be granted only if creating the new record will not unreasonably interfere with the discharge of court functions. If granted, the request will be accommodated within a reasonable amount of time, dependent upon the availability of sufficient public data within the body of case records (including related databases), and the ease with which those records can be identified and compiled.

ii) Costs to provide a new record may not exceed the actual cost of labor and supplies and the actual use of the system to develop, generate, and validate the accuracy of the record.

7. Access to court recordings made pursuant to MCR 8.108 is permitted in accordance with this order. Access to log notes, juror seating charts, and other media of court proceedings is not permitted.

a) Video recordings of proceedings may be requested from the court clerk by making a written request, which will be reviewed and approved and/or denied in the discretion of the Judge assigned to the case within 10 (ten) business days.

8. Copies of court recordings made pursuant to MCR 8.108 are available as provided by this order for $20 per DVD for recordings in electronic format. Payment must be received prior to the release of the recording.

Date Signed: 5/21/25

Carol Montaun Bealor

Honorable Carol M. Bealor, Chief Judge

Cass County Courts

TO: Persons Requesting General Record Checks

Please be advised that, effective December 18, 2023, per the Cass County Courts' Local Administrative Order for Record Access, a specific case number and 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 online on the Cass County Courts' website at: https://casscourtsmi.org to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent cases from this court and access to information online may be limited and/or impacted due to law or court rule.

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 Crowner 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 Cass County Courts regret that they cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the file room for the specific Court you need information from. Contact information for the courts is available on the Courts' website (address provided above).