

STATE COURT OF MICHIGAN
17th CIRCUIT COURT FOR THE COUNTY OF KENT

**IN RE: ACCESS, INSPECTION, REPRODUCTION,
AND CREATION OF COURT RECORDS**

**LOCAL ADMINISTRATIVE
ORDER 2014-04**

**At a session of said Court, held in the Kent County Courthouse
In the City of Grand Rapids in said County.
December 10, 2014**

**Present: HON. DONALD A. JOHNSTON
Chief Circuit Judge**

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(H) and 8.110(C)(7). 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.

The clerk may not permit any case record to be taken from the courthouse or archival facility 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 Component 19 of the Michigan Trial Court Case File Management Standards, chart of Nonpublic and Limited-Access Court Records, Local Administrative Order 2014-03 (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(d)(v) specifically exempts the judiciary from the Freedom of Information Act.
 5. In accordance with MCR 8.110(C)(7), the Kent County Clerk's Office will provide free of charge to the litigants any forms approved by the state court administrator maintained in their office.
 - a) Parties will be limited to a maximum of one (1) copy 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) (15).
 6. Any person may access and inspect 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 also 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 on a "Record/Copy Request Form" and must provide a complete case number or party name except as provided under item b)iii) below.
 - 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 in the Circuit Court Clerk's Office unless, in the discretion of the clerk or court supervisory personnel, approval is granted to review records in another court or county 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 five (5) specific case files will be accommodated within thirty (30) minutes unless the files are not in the active file area or otherwise unavailable. Requests for specific case records in storage will be accommodated within three (3) business days.
- ii) Requests for access and inspection to more than five (5) 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.
- iii) 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.
- iv) 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. 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 if, 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 at a cost of \$1.00 per page 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. Copies of transcripts filed with the court shall not exceed \$.30 per page pursuant to MCL 600.2543.
- ii) 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.

d) New Record Creation

- i) Requests for creation of a new record, as defined in MCR 8.119(J)(4), which are granted by the Chief Judge or Court Administrator, 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 in 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, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 are at the sole discretion of the assigned judge. Requests shall be made by completing a "Video/Other Media Request Form." Inspection will be supervised by court staff in the area designated by Court Administration and persons will not be permitted to copy, record, or otherwise duplicate this media.
 8. Copies of court recordings, log notes, jury seating charts, and other media of court proceedings made pursuant to MCR 8.108 are not available.

This Order will be effective upon approval by State Court Administrative Office and rescinds Local Administrative Order 2010-01.

Date: _____

Hon. Donald A Johnston P-15554
Chief Judge, 17th Circuit Court

**17th CIRCUIT COURT
FILE/COPY REQUEST FORM**

This form is used to request to review or purchase copies of a Court file. Please specify complete party name(s) and/or case number.

Date of Request: _____

I request to **Review** **Obtain copies of the following case file:**

CASE INFORMATION:

Case Number: _____

Case/Party Name(s): _____

If copies are requested, indicate the documents to be copied:

- Complete Case File (except for any nonpublic court records).**
- Specific Documents (list– use additional pages if necessary):**

CONTACT INFORMATION:

Name: _____

Address: _____

Telephone: _____

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

Return this completed form to:

Circuit Court Clerk
180 Ottawa Ave., NW Suite 2400
Grand Rapids, MI 49503
(616)632-5480

For Court Use Only

Copies _____ x \$ _____ per page = Total charge _____

Processed by _____ on _____

Deputy Court Clerk

Date

**17th CIRCUIT COURT
VIDEO/OTHER MEDIA REQUEST FORM**

This form is used to request to view a video recording or other media of a specific hearing.

- I request to view the video of following hearing:
- I request to view the _____ of the following hearing:

HEARING INFORMATION:

Case Number: _____

Case Name: _____

Date of Hearing: _____

Judge/Referee: _____

CONTACT INFORMATION:

Name: _____

Address: _____

Telephone: _____

I am the Party Attorney Other on this case.

Reason for request: _____

Signature

Date

Return this completed form for approval by the Judge or Referee to:

17th Circuit Court
180 Ottawa Ave., NW Suite 3200B
Grand Rapids, MI 49503

For Court Use Only

Approved by:

Signature

Date

17th COURT COURT
MEMORANDUM

TO: Persons Requesting General Record Checks

FROM: Andrew Thalhammer, Court Administrator or Authorized Designee

Please be advised that per 17th Circuit Court Administrative Order 2014-03, 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 17th Circuit Court 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.
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 17th Circuit Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court at (616) 632-5137.