

STATE OF MICHIGAN SIXTH JUDICIAL CIRCUIT OAKLAND COUNTY	PUBLIC ACCESS TO COURT RECORDS	ADMINISTRATIVE ORDER 2002-03
---	-----------------------------------	---------------------------------

**IT IS SO 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. The purpose of this order is to regulate public access to court records and to allow flexibility in providing approved forms.

1. Court records are public unless specifically made not public by law or court order according to the attached list from Component 19 of the Michigan Trial Court Case File Management Standards. (Note: Delayed Sentence cases, MCL 771.1(2) are public records.)
2. Requests to inspect/copy any of the above non-public records shall be handled as follows: A clerk shall notify the interested person that: a) there is a case and provide him/her with the case number; b) it is a non-public record; and c) the procedure for challenging limitations to access of court records is contained in MCR 8.116(D) which provides that any person may file a motion to set aside the order or an objection to entry of the proposed order.
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 \$0.50 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 they have been appointed to or for indigent parties.
  - c. There will be no charge for forms prepared by the court.
  - d. There will be no charge for forms that the court or clerk of the court is required by court rule or statute to provide.

5. Any person may inspect any public court file to which access is not restricted by statute, court rule or suppression order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).
  - a. General
    - 1) All requests for files and/or copies must be made on a “file/copy request form” and must specify a complete case number or party names except as provided under item b.4) below.
    - 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) Files shall be reviewed at the public counter unless in the discretion of court supervisory personnel, approval is granted to review records in the clerk’s office based on available space, the number of files to be reviewed and the length of time necessary to review them.
    - 4) Ensuring the right of immediate access to and public inspection of records shall be a top priority, but may be limited by the availability of court staff to supervise the inspection.
  - b. Access to Case Files/Information
    - 1) Requests for access to no more than ten (10) specific case files will be accommodated with one (1) hour, unless the files are in storage.
    - 2) Requests for access to more than ten (10) 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) Requests for specific case files in storage will be accommodated within three (3) working days.
    - 4) 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.
    - 5) 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 5.a2).

- 6) Requests for the wholesale review of particular types of cases 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 court will provide a limited number of copies up to twenty (20) total pages at a cost of \$1.00 per page within one (1) hour of the request for copies.
- 2) Requests for more than twenty (20) 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 court staff and photocopying equipment, and (3) the nature of the request, i.e., the degree to which court staff is required to identify and select documents to be copied.
- 3) 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.

Effective Date:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joan E. Young, Chief Judge