

**Welcome To The . . . . .**

**Chief Deputy Clerk Seminar and Webcast:  
Case File Management Standards**

**September 17, 2014  
Michigan Hall of Justice  
Lansing, Michigan**



Michigan Judicial Institute  
Michigan Hall of Justice  
P.O. Box 30205  
Lansing, Michigan 48909  
517/373-7171

MICHIGAN SUPREME COURT  
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**Alessa Boes**, *Research Attorney*

**Anne M. DeMarco**, *Program Assistant*

**Rachael Drenovsky**, *Learning Center Coordinator*

**Amy J. Feinauer**, *Program Assistant*

**Heather Leidi**, *Judicial Education & Publications Admin Specialist*

**Bradene L. Moore**, *Judicial Education Analyst*

**Kimberly Mushong**, *Research Attorney*

**Sarah Roth**, *Publications Manager*

**Corrie S. Schmidt-Parker**, *Research Attorney*

**Peter C. Stathakis**, *Program Manager*

**Cathy Weitzel**, *Training and Development Specialist*

Michigan Judicial Institute

Chief Deputy Clerk Seminar and Webcast:  
Case File Management Standards

**September 17, 2014**  
**Michigan Hall of Justice**  
**Lansing, Michigan**

Faculty List

Ms. Robin Eagleson  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
(517) 373-5542  
eaglesonr@courts.mi.gov

Mr. Jim Inloes  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
(517) 373-0122  
inloesj@courts.mi.gov

Ms. Jodi Latuszek  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
(517) 373-2451  
latuszekj@courts.mi.gov

Ms. Stacy Westra  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
(517) 373-9574  
westras@courts.mi.gov

# Chief Deputy Clerk Seminar and Webcast: Case File Management Standards

Michigan Hall of Justice  
Lansing, Michigan  
September 17, 2014

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## Agenda

9:30 – 10:00 a.m.	Registration and Webcast log-on
10:00 – 10:15 a.m.	Introductions and Housekeeping
10:15 – 10:45 a.m.	<b>Case File Management Standards</b> <ul style="list-style-type: none"><li>- Mr. Jim Inloes, Management Analyst SCAO, Trial Court Services</li></ul>
10:45 – 11:00 a.m.	BREAK
11:00 – 11:30 a.m.	<b>Records Management and Retention</b> <ul style="list-style-type: none"><li>- Ms. Stacy Westra, Management Analyst SCAO, Trial Court Services</li></ul>
11:30 a.m. – 12:30 p.m.	LUNCH
12:30 – 12:45 p.m.	<b>Training Topic Survey</b>
12:45 – 1:15 p.m.	<b>Juvenile Records</b> <ul style="list-style-type: none"><li>- Ms. Jodi Latuszek, Management Analyst SCAO, Trial Court Services</li></ul>
1:15 – 1:30 p.m.	BREAK
1:30 – 2:00 p.m.	<b>Probate Records</b> <ul style="list-style-type: none"><li>- Ms. Robin Eagleson, Management Analyst SCAO, Trial Court Services</li></ul>
2:00 p.m.	Seminar adjourns

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## Case File Management Standards

### Faculty

Mr. Jim Inloes  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
inloesj@courts.mi.gov



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**MICHIGAN TRIAL COURT  
CASE FILE MANAGEMENT  
STANDARDS - OVERVIEW**

**Chief Deputy Clerk Training  
September 17, 2014**

**WHY HAVE STANDARDS?**



GOVERNING AUTHORITY FOR THE  
CASE FILE MANAGEMENT  
STANDARDS

ADMINISTRATIVE ORDER NO.1999-4  
ESTABLISHMENT OF MICHIGAN TRIAL  
COURT CASE FILE MANAGEMENT  
STANDARDS

In order to improve the administration of justice; to improve the service to the public, other agencies, and the judiciary; to improve the performance and efficiency of Michigan trial court operations; and to enhance the trial courts' ability to preserve an accurate record of the trial courts' proceedings, decisions, orders, and judgments pursuant to statute and court rule, The State Court Administrative Office shall enforce the standards and assist courts in adopting practices to conform to those standards.

## HISTORY OF THE STANDARDS

- First adopted in 1999
- Revised 13 times, the most recent of which was June, 2014



## PURPOSE OF THE STANDARDS

- Provide the trial courts with minimum criteria and procedures for achieving systematic control over all the recorded information relating to case files.
- Identify the basic elements for managing case file records
- Identify the roles that staff have with regard to that management





## THE STANDARDS FOCUS UPON 5 PRIMARY AREAS OF RECORDS MANAGEMENT

- Active Case File Management
- Filing System & Storage
- Forms & Reports Management
- File Retention & Destruction
- Records Media



## THREE MAJOR PHASES ACTIVE CASE FILE MANAGEMENT

- Case Initiation and Maintenance
- Case Disposition to Closing
- Post Adjudication



### 39 STANDARDS THAT ARE IDENTIFIED AS SEPARATE COMPONENTS

- Each component clearly identifies the standard to which trial courts must adhere and any procedures that must be followed.
- Components may also contain authoritative citations and cross references.
- The first 13 components outline the standards and procedures for establishing and maintaining case files.



### COMPONENTS

- Component 1: Case Type Code
- Component 2: Case Number, File Number, and Petition Number
- Component 3: File Stamp
- Component 4: Minimum Filing Requirements
- Component 5: Handling Case Papers with Errors
- Component 6: Case File Folder and Jacket
- Component 7: Placement of Papers in Case-File Folder



## COMPONENTS

- Component 8: Case Files and Other Documents Maintained Separately
- Component 9: Minimum File Contents
- Component 10: Court Seal and Other Stamps
- Component 11: Transferring Case Files
- Component 12: Making Copies of Case Files
- Component 13: Consolidating Cases

## COMPONENTS 14 THROUGH 24

- Establish standards for maintaining the register of actions and other records, such as group files, exhibits, juror records, indexes, court reporter's notes, and audio and video records.
- Establish standards for providing public access to case files and other records.

COMPONENT 26 ESTABLISHES STANDARDS  
FOR POST ADJUDICATION ACTIVITY

- Appeals processing
- Motions for relief from judgment



COMPONENTS 27 THROUGH 37 ESTABLISH  
STANDARDS FOR THE PHYSICAL STORAGE OF  
RECORDS, THEIR RETENTION AND DISPOSAL,  
FORMS, IMAGING, FAX TRANSMISSIONS, AND  
CASE CODES

- Active and inactive files storage
- Retention and disposal schedules (Schedule 16)
- Forms and report management; form analysis  
and design
- Standards for destruction of files



## RESOURCES

- Case File Management Standards
  - [http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/cf\\_stds.pdf](http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/cf_stds.pdf)



## QUESTIONS?

Jim Inloes, Management Analyst  
[inloesj@courts.mi.gov](mailto:inloesj@courts.mi.gov)  
(517) 373-0122



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## Records Management and Retention

### Faculty

Ms. Stacy Westra  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
westras@courts.mi.gov



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# TRIAL COURT RECORDS MANAGEMENT

September 17, 2014

Chief Deputy Clerk Association

## Records Management Defined

- Responsibility for controlling all court records for the life cycle of those records.
- Primary functions are:
  - records retention and scheduling,
  - inactive records storage,
  - records security,
  - document storage and retrieval,
  - micrographics and imaging systems.
- <http://courts.mi.gov/Administration/admin/op/Pages/Records-Management.aspx>

## Original Standards

- Established by the State Court Administrative Office pursuant to Michigan Supreme Court Administrative Order 1999-4
- Purpose
  - Improve administration of justice
  - Improve service and performance
  - Enhance ability to preserve accurate records
  - *Systematic method of disposal for records not requiring permanent retention*

## Content

- 5 Areas of Records Management
  - Active Case File Management (1-28)
  - Filing Systems and Storage (30-31)
  - Forms and Reports Management (32-33)
  - *Retention & Destruction (Comp. 34-36) (Area 4)*
  - *Records Media (Comp. 37-38) (Area 5)*
- Other – Case-Type Codes (39)



## Before and After 2013 PA 199 and 201

Topic	Before 2013 PA 199 and 201	After 2013 PA 199 and 201
<b>Reproduction of Original Documents</b>	Must maintain paper original form for a minimum of 6 years after filing with the court	May destroy paper at any time after filing with the court, ONLY after appropriate reproduction
<b>Retention Prior to Destruction</b>	Must maintain in paper original form during the period described in General Schedule 16-Records Retention and Disposal Schedule for Michigan Trial Courts for the specific court or document type	Trial court may choose paper or other medium. The trial courts must follow the standards.
<b>Long Term Retention</b>	General Schedule 16-Records Retention and Disposal Schedule for Trial Courts dated 2006	General Schedule 16-Records Retention and Disposal Schedule for Trial Courts dated 2014

## Active and Inactive Files

- Designing a filing system (paper files v. electronic)
- Difference between reproduction needs and workflow
  - Workflow assessment
- Storage of Paper v. Electronic files

## Safe and Secure Storage

- 28- General Records Retention and Disposal Schedule #16 – Michigan Trial Courts must be followed at this stage
- 29 – Consider micrographics or digital imaging for long-term or permanent retention

## Reproducing Paper Records for Long-Term Retention

- 37 – Micrographics and digital imaging are two mediums in which records can be maintained for long-term retention purposes.
- Technical standards adopted by Records Management Services of the Department of Technology, Management and Budget must be complied with.
- Standards adopted by the SCAO must be complied with.

## 34-35 Records Retention Schedule

- **Component 34** – Any item placed in the case file must be maintained for the full length specified in the retention and disposal schedule
  
- **Component 35** – The retention and disposal schedule is an approved plan for defining which records can be destroyed and when, and which records must be kept permanently. See General Records Retention and Disposal Schedule #16

## Long-term Retention

- A retention period greater than 10 years is long-term
  
- Suitable duplicate record means a “human readable copy,” which means
  - paper or microfilm/microfiche,
  - a record reproduced through an approved electronic means, the output of which is readable by sight and can be printed to paper (i.e., digital image).
  
- Once the retention period for a record has expired, the record, whatever the medium, can be destroyed.

## Calculating the Retention Period

- ACT = Active – means that the entire record can be destroyed immediately or some number of years after the file is no longer active as defined. The definition of active is usually dependent upon the filing of a specific type of document or upon the occurrence of a particular set of conditions.
- CR = Creation – means that the entire record can be destroyed based on a number of years following a defined creation date.
- PERM – Permanent – means that the entire record must be retained permanently.

## Categories

1. Administrative and fiscal records
2. General case records for all courts
3. Case records specific to a particular court
4. Nonrecord materials

## Administrative & Fiscal Records

- Accounting Records – Item 16.001
- Judicial Assignments (Case Specific) – Item 16.006A
- Juror Personal History Questionnaires – Item 16.007
- Non-Case Records – Item 16.010

## General Case Records Items 16.030-16.042

- Registers of Action
- Untranscribed Notes, Tapes, Recordings, Logs
- Transcribed Notes, Tapes, Recordings, Logs
- Indices
- Exhibits Offered into Evidence (not a court record)
- Exhibit Log
- Judgments/Orders

## Specific Case Records

- Juvenile – Neglect/Abuse, Delinquency and Juvenile Guardianship
- Retention of Legal v. Social Files
- Probate – Wills, Conservatorship, Guardianship of Adults

## Non-Record Materials 16.120-16.125

- Copies/Duplicates
- Personal Records
- Drafts and Informational Items
- Routing Slips
- Reference Materials for Case files

## Archives of Michigan

- Permanent Files that can be Transferred to Archives
  - Registers of Action over 50 years old
  - Indices over 50 years old
  - Judgments and Order over 50 years old
- Use MH 85 form
- [http://www.michigan.gov/dmb/0,4568,7-150-9141\\_21738-113205--,00.html](http://www.michigan.gov/dmb/0,4568,7-150-9141_21738-113205--,00.html)

## 36 – Destruction of Files

### **Phase 1 – Identifying records for destruction**

- Conduct an annual review of records against the retention schedule
- Before destroying records, conduct a staff meeting to select the person responsible for responding to questions about records-destruction
- Identify inactive records to be destroyed

### **Phase 2 – Staffing and other Requirement for Destroying Records**

- Determine the number of staff required to destroy records
- Determine whether the court will be closed during file destruction
- Identify the area to be used during the destruction process

## 36 – cont. Destruction

### Phase 3 – Destruction Effort

- Establish work stations and divide case types according to the appropriate record retention schedule
- Clearly explain what papers are to be saved and how the destruction process is to be accomplished
- Records not eligible for destruction during this effort should be marked with the year they will be eligible for destruction
- If records have been microfilmed, check the quality of the image before destroying

## 36 – cont. Destruction

### Phase 4 – Clean Up

- Make arrangements to have the work areas cleaned up after destroying records

### Phase 5 – Transfer

- Specific records must be transferred to State Archives as identified in General Records Retention and Disposal Schedule #16.
- Courts must complete the Direct Records Transmittal form (MH 85)

Shredding, burning, or pulverization are accepted methods for disposing of records.



## Resources

- General Schedule #16
  - [http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf\\_schd.pdf](http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_schd.pdf)
- Michigan Court Administration Reference Guide, Section 8-04
  - <http://courts.mi.gov/administration/scao/resources/documents/publications/manuals/carg/carg.pdf>
- Guidelines and Standards for Digital Imaging
  - [http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/di\\_stds.pdf](http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/di_stds.pdf)
- Archives
  - [http://michigan.gov/dnr/0,4570,7-153-54463\\_19313---,00.html](http://michigan.gov/dnr/0,4570,7-153-54463_19313---,00.html)
- Records Management Services
  - [http://www.michigan.gov/dtmb/0,5552,7-150-9141\\_21738---,00.html](http://www.michigan.gov/dtmb/0,5552,7-150-9141_21738---,00.html)

## QUESTIONS?

Stacy Westra, Management Analyst  
Circuit Court/Clerk's Office  
[westras@courts.mi.gov](mailto:westras@courts.mi.gov)  
(517) 373-9574

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## Juvenile Records

### Faculty

Ms. Jodi Latuszek  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
latuszekj@courts.mi.gov




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Lansing, Michigan 48909  
517/373-7171



**RECORDS AND CASE FILE MANAGEMENT  
EXERCISE**

**FOR PROCEEDINGS  
UNDER THE JUVENILE CODE**

September, 2014



**Files are FUN! Work with teammates to fix-up “faux” files**

## File Exercise

- Get in groups of 5 or more
- Labels represent common NA documents
- Work with teammates to place labels in correct “faux” files
- Answer bonus questions at the bottom of each “faux” file
- First team to finish correctly wins a prize!



## Answers:

### Legal File

- Original Petition. MCR 8.119(D), CFMS Component 9.
- Order After Preliminary Hearing
- Large Transcript: Generally Legal File, but apart from the file because of size. Component 7.
- Exhibit Log
- Receipt (if not electronic)
- Release taken in an NA case. Mark **CONFIDENTIAL**



### Social File

- Initial Service Plan. MCR 3.903(A)(3)(b)(iii), (iv)
- Updated Service Plan. MCR 3.903(A)(3)(b)(iii), (iv)(reports, DHS records).
- FCRB Report. MCR 3.973(E)(5)(reports, DHS records).
- BAC Results. MCR 3.903(A)(3)(b)(iii) (lab report).
- LEIN Report. MCR 3.903(A)(3)(b)(iii) (lab report)(investigative/police report).



## Group File

- Release taken in an NA case. Use Component 18
  - See, Memo on RL and RB Codes
  - If part of NA case, make copy for legal file, mark confidential, put original in group file. Record release on ROA.
  - When petition for adoption is filed, move from group file and place in adoption file.
  - Record on ROA for register of actions for adoption case



## Other

- Document Containing Respondent's Social Security Number. SCAO Order No. 2006-2
- LEIN Report. See Gen. Sched. 16.035 and 16.125, CFMS, Component 34
- Trial Exhibit. MCR 3.930(A), CFMS Component 20
- Duplicate Copies of Case Records for Clerk. Gen. Sched. 16, Non-Record Materials 16.120-16.125.
- Financial Statement. Accounting Records – Item 16.001



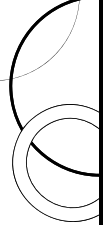
## Bonus Questions

- SCAO recommended file size: 9x12. Component 6
- A file should not accommodate more than 2 inches of material. Component 6.
- False. The ROA is not considered part of the case file.
- A child protective proceeding can be initiated by any of the following:
  - Submission of an original complaint, petition, or citation;
  - Acceptance of transfer of an action from another court or tribunal;; or
  - Filing or registration of a foreign judgment or order. MCR 3.902(A)(1)(a)-(c)



## Questions From the Courts

- Q: Social file documents aren't noted on the ROA, are they?
- A: Yes. CFMS 9 provides every document placed in the case file should be noted on the ROA.
- Q: The Court rules now allow earlier destruction of the social file...can we begin destruction?
- A: Not yet. The new Schedule 16 has not been released. It should be out shortly and will permit destruction.

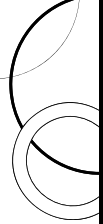


## More Questions

Q: Placement information is confidential, so what do we do with the POS-is it still part of the legal file? No. It goes in the social file.

Q: The social file doesn't go to the COA does it?

A: YES! Component 26.



## Resources

- Records and Case-File Management Web Page
  - <http://courts.mi.gov/administration/admin/op/pages/records-management.aspx>
- General Schedule #16
  - [http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/cf\\_schd.pdf](http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/cf_schd.pdf)
- Case File Management Standards
  - [http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/cf\\_stds.pdf](http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/cf_stds.pdf)
- Michigan Court Administration Reference Guide, Section 8-04
  - <http://courts.mi.gov/administration/scao/resources/documents/publications/manuals/carg/carg.pdf>
- Guidelines and Standards for Digital Imaging
  - [http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/di\\_stds.pdf](http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/di_stds.pdf)
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## Juvenile Records Workgroup

- Please add your name and e-mail to the sign-up sheet before you leave today.



## Resources, Cont'd.

- Order No. 1985-5
- Order No. 2006-2
- RL RB Memo





## QUESTIONS?

Jodi Latuszek, Management Analyst

[latuszekj@courts.mi.gov](mailto:latuszekj@courts.mi.gov)

(517) 373-2451

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## Probate Records

### Faculty

Ms. Robin Eagleson  
Management Analyst  
Trial Court Services  
State Court Administrative Office  
Michigan Supreme Court  
Lansing, Michigan  
eaglesonr@courts.mi.gov



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Michigan Hall of Justice  
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# Chief Deputy Case File Management Standards Training- Probate Records

September 17, 2014

Hall of Justice

## Creation to Destruction

- Case File Management Standards and MCR 8.119
- Area 1: Active Files: Case Initiation, Case Disposition and Closing, Appeal Processing
- Area 2: Filing Systems and Storage: Active and Inactive
- Area 3: Forms and Reports Management
- Area 4: File Retention and Destruction: File Contents, Retention Schedule, Destruction
- Area 5: Records Media: Micrographics

## Case Files

- MCR 8.119(D)(1)(d)



- Case File Management Standards Components 1-9
- Component 18: Group Files
  - Records the court is required to keep, but not part of a basic case file series.
  - Must be labeled, readily accessible, indexed by subject matter.

## Component 17: Indexes

- The clerk must maintain a numerical and alphabetical list of all case numbers and party names
- The indexes should contain the Case No., the date of filing, and the name of the parties
- The word "sealed" should be added to the index whenever a document within the case is sealed

## Component 14: Register of Actions

- Permanent and public record of the case
- All cases must have a ROA
- Each notation in the ROA must have information identifying the person who made the notation.

## Component 14: ROA Minimum Contents

- Case Number
- Case Type Code
- Case Name
- Attorneys
- Date filed
- Fees paid
- Offense
- Judge assigned
- Date process was issued and returned, as well as date of serviceDate and title of each "filed" document
- Date of each even and type of action, and result of action
- Date of scheduled trials, hearings, and all other appearances or reviews
- Orders, judgments, and verdicts
- Name and certification number of court reporter/recorder
- Judge at adjudication and disposition
- Date and manner of adjudication and disposition
- Location of papers filed apart from case folder (exhibits, tapes, etc.)
- Fees for officers, transportation, and jurors (if not in accounting system)

## Component 16: Calendars

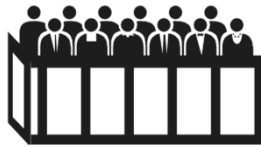
- A judge's docket should be prepared daily/weekly and distributed to court personnel.
- Public calendars should be posted in public corridors outside the courtroom and should include the:
  - Type of Hearing
  - Courtroom No.
  - Scheduled Time
  - Party's Name or Case Number

## Component 20: Exhibits

- Exhibit log required
- Original exhibit log to be placed in case file
- Acceptance does not change nonpublic status
- Exhibits are not a part of the case file
- May be properly disposed of without notice if not retrieved within 56 days of the trial/hearing conclusion

## Component 21: Juror Records

- Juror Qualification Questionnaire
- Juror Personal History Questionnaire



## Wills for Safekeeping

- MCL 700.2515
  - Sealed envelope
  - Certificate of the deposit of the will
  - Filing Fee \$25
  - File where secured files are stored; may create group file for these but should remain in sealed envelope

## Marriage Records

- MCL 551.104
  - Within 10 days, return the original license and certificate to the county clerk that issued license.
- MCL 551.201
  - Secret Marriage
    - Application made under oath
    - Determination that a good and sufficient reason is expressed
  - \$3 Fee
  - Use ML case type code

## Discovery Materials

- Absent a particular rule, discovery materials may not be filed with the court unless
  - They are to be used in connection with a motion, in which case they must either be filed separately or be attached to the motion or an accompanying affidavit
  - They are to be used at trial, in which case they must either be filed or be made into an exhibit
  - The court orders them to be filed



## Other Records Maintained by the Probate Register

- Original Orders and Letters of Authority must be placed in the files (MCL 600.832)
- Testamentary Documents of Deceased Persons, Bonds, Orders, and Other Documents as the probate court directs must be copied by microfilming or other means promptly after filing or issuance and preserved separately from the files (MCL 8.302, CFMS Component 29)

## Court Reporter/Recorder Records

- Records of the court, not the reporter
- Must be maintained in accordance with CFMS (Components 23 and 24), MCR 8.108, and MCR 8.119.



## Archives in Michigan

- Files to transfer to Archives
  - Miscellaneous Proceedings Files (Probate)
- Use MH 85 Form:  
[http://www.michigan.gov/dmb/0,4568,7-150-9141\\_21738-113205--,00.html](http://www.michigan.gov/dmb/0,4568,7-150-9141_21738-113205--,00.html)
- Files to transfer if kept less than permanent:
  - ROA
  - Estate Files
  - Wills delivered after death of testator
  - Wills filed for safekeeping
  - Acknowledgements of paternity, libers of orders, condemnation proceeding files

## Destruction and Retention of Files

- Because the records retention and disposal schedule is already preapproved, destruction can take place in the normal course of business without the need for separate approval
- Component 36: 5 Phases
- Probate Retention Workgroup Coming this Fall

# Questions

Robin Eagleson  
Probate & Collections Management Analyst  
(517) 373-5542  
[eaglesonr@courts.mi.gov](mailto:eaglesonr@courts.mi.gov)





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Michigan Hall of Justice  
P.O. Box 30205  
Lansing, Michigan 48909  
(517) 373-7171  
<http://courts.michigan.gov/mji>