

# FORTY-NINTH JUDICIAL CIRCUIT OF MICHIGAN

COUNTIES OF MECOSTA AND OSCEOLA



Honorable Scott Hill-Kennedy  
Chief Circuit Judge

Honorable Ronald C. Nichols  
Chief Circuit Judge Pro tem

MECOSTA COUNTY OFFICE  
400 ELM STREET  
BIG RAPIDS, MICHIGAN 49307  
Phone (231) 592-0780  
Fax (231) 592-0100

OSCEOLA COUNTY OFFICE  
301 W. Upton Street  
REED CITY, MICHIGAN 49877  
Phone (231) 832-6103  
Fax (231) 832-6149

## Administrative Order 2008-09

### INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

Rescinds Administrative Order 2002-2

#### **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. 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. 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. Any person may inspect any public court file 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 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 5 specific case files will be accommodated within 15 minutes unless the files are in storage.
- 2) Requests for access to more than 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.
- 3) Requests for specific case files in storage will be accommodated within three 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 4.a.2.

- 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 (under 50 total pages) at a cost of \$1 per page within 2 hours of the request for copies.
- 2) Requests for more than 50 total pages of 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, select, and review 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.

d. New Record Creation

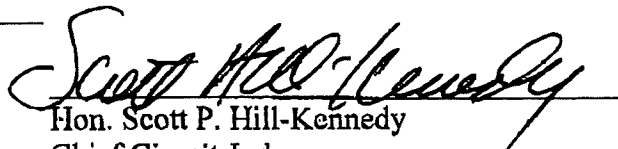
- 1) Requests for creation of a new record or compilation of records pertaining to case files or case-related information which are granted will be accommodated within a reasonable amount of time
  - a) as determined by the availability of sufficient data already contained in the records or record data 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.

This Order rescinds Administrative Order 2002-2

Effective Date: \_\_\_\_\_

Dated: 11/12/09

  
\_\_\_\_\_  
Hon. Scott P. Hill-Kennedy  
Chief Circuit Judge



**49<sup>TH</sup> CIRCUIT COURT**  
**MEMORANDUM**

**TO:** Persons Requesting General Record Checks

**FROM:** Mecosta/Osceola County Clerk

Please be advised that per Local Court Administrative Order 2008- , 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 Mecosta or Osceola County Clerks' Offices to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent 49<sup>th</sup> Circuit 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 contact the:

Michigan State Police  
Central Records Bureau  
7150 Harris Drive  
Lansing, Michigan 48913  
Telephone: (517)322-5531

(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 49<sup>th</sup> Circuit Court/County Clerk regrets that it cannot accommodate your request at this time. If you have any additional questions, please contact the court/County Clerk at Mecosta County (231) 592-0783 or Osceola County (231) 832-6104.