# DISTRIBUTION AUTHORITY
# FOR DISTRICT, CIRCUIT AND PROBATE COURTS

Prepared for the Trial Court Funding Commission
October 25, 2018

Julia Norton
Collections Analyst
State Court Administrative Office
nortonj@courts.mi.gov

# STATE COURT ADMINISTRATIVE OFFICE

Notes

# 2017 Court Equity Fund Funding Sources

(Amounts in millions)

## Court Equity Fund

| | |
|---|---|
| Received from: | |
| Justice System Fund | $10.2 |
| Civil Filing Fee Fund | 2.7 |
| State Court Fund | 22.4 |
| Court Fee Fund | 2.2 |
| State Restricted Revenues | 37.5 |
| State General Fund | 10.4 |
| | $47.9 |
| Distributed to: | |
| 83 Michigan Counties | $47.9 |

## State Court Fund

| | |
|---|---|
| Received from: | |
| Justice System Fund | $5.3 |
| Civil Filing Fee Fund | 15.8 |
| Transmittals from trial courts (motion fees, probate) | 3.9 |
| Service fee on FOC payments | 4.0 |
| Interest earned by fund | 0.0 |
| | $29.0 |
| Distributed to: | |
| Judiciary: | |
| Court Equity Fund (first $1.6 million + 76% of balance) | $22.4 |
| Indigent Civil Legal Assistance (23% of balance) | 6.3 |
| State Court Administrative Office (1% of balance) | 0.3 |
| | $29.0 |

## Court Fee Fund

| | |
|---|---|
| Received from: | |
| Balance carried forward from FY 2016 | $0.1 |
| Judges' Retirement System | 6.7 |
| | $6.8 |
| Distributed to: | |
| Judiciary: | |
| Court Equity Fund | $2.2 |
| Judges' Salaries | 3.0 |
| Judges' Retirement System health reserve | 0.1 |
| | $5.3 |
| Balance carried forward to FY 2018 | $1.5 |

## Justice System Fund

Civil infractions, misdemeanors, and felonies

| | |
|---|---|
| Received from: | |
| Transmittals from trial courts | $51.0 |
| Distributed to: | |
| State Police: | |
| Secondary Road Patrol ($10/traffic civil infraction) | $9.0 |
| Highway Safety Fund (23.66% of balance) | 9.9 |
| Michigan Justice Training Fund (11.84% of balance) | 5.0 |
| State Forensic Lab/DNA (5.35% of balance) | 2.2 |
| Corrections: | |
| Jail Reimbursement Program (11.84% of balance) | 5.0 |
| Human Services: | |
| Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund (2.65% of balance) | 1.2 |
| Children's Advocacy Center Fund (1.85% of balance) | 0.8 |
| Legislative Retirement Fund (1.10% of balance) | 0.5 |
| Judiciary: | |
| Drug Treatment Courts (2.73% of balance) | 1.1 |
| State Court Fund (12.69% of balance) | 5.3 |
| Court Equity Fund (24.33% of balance) | 10.2 |
| State Court Administrative Office (0.98% of balance) | 0.4 |
| Treasury (0.98% of balance) | 0.4 |
| | $51.0 |

## Civil Filing Fee Fund

Civil filings

| | |
|---|---|
| Received from: | |
| Transmittals from trial courts | $32.6 |
| Distributed to: | |
| State General Fund (1.5%) | $0.5 |
| Judiciary: | |
| Community Dispute Resolution Program (5.2%) | 1.7 |
| Judicial Technology Improvement Fund (11.1%) | 3.6 |
| Court Equity Fund (8.2%) | 2.7 |
| State Court Fund (48.5%) | 15.8 |
| Judges' Retirement System (24.0%) | 7.8 |
| Legislative Retirement Fund (1.5%) | 0.5 |
| | $32.6 |

## Judges' Retirement System

| | |
|---|---|
| Received from: | |
| Civil Filing Fee Fund | $7.8 |
| Distributed to: | |
| Judges' Retirement System – amount needed according to actuary | $1.1 |
| Judiciary: | |
| Court Fee Fund | 6.7 |
| | $7.8 |

# Distribution Authority - District Court

| CIVIL FEES | | | | |
|---|---|---|---|---|
| **Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| General Civil Filing Fees | 600.8371(2)<br>600.8371(3)<br>600.8371(4)<br>600.8371(5)<br>600.8371(8) | Required | $11 Funding Unit<br>$14 Civil Filing Fee Fund | MCL 600.8371 |
| | | | $17 Funding Unit<br>$28 Civil Filing Fee Fund | MCL 600.8371 |
| | | | $23 Funding Unit<br>$42 Civil Filing Fee Fund | MCL 600.8371 |
| | | | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.8371 |
| | | | $23 Funding Unit<br>$42 Civil Filing Fee Fund | MCL 600.8371 |
| Small Claims Filing Fees | 600.8420(1)(a)<br>600.8420(1)(b)<br>600.8420(1)(c) | Required | $11 Funding Unit<br>$14 Civil Filing Fee Fund | MCL 600.8420 |
| | | | $17 Funding Unit<br>$28 Civil Filing Fee Fund | MCL 600.8420 |
| | | | $23 Funding Unit<br>$42 Civil Filing Fee Fund | MCL 600.8420 |
| Summary Proceedings Filing Fees | 600.5756(1)<br>600.5756(2)<br>600.8371 | Required | $17 Funding Unit<br>$28 Civil Filing Fee Fund | MCL 600.5756 |
| | | | | |
| | | | $11 Funding Unit<br>$14 Civil Filing Fee Fund | MCL 600.8371 |
| | | | $17 Funding Unit<br>$28 Civil Filing Fee Fund | MCL 600.8371 |
| | | | $23 Funding Unit<br>$42 Civil Filing Fee Fund | MCL 600.8371 |
| | | | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.8371 |
| Electronic Filing System Fee | 600.1986(1)(b),(c),(d) | Required[1] | Applicable fee to Judicial Electronic Filing Fund | MCL 600.1989 |
| Motion Fee<br>(see chart) | 600.8371(10) | Required | $10 Funding Unit<br>$10 State Court Fund | MCL 600.8371 |
| Jury Demand Fee | 600.8371(9) | Required | $40 Funding Unit<br>$10 Juror Comp. Fund | MCL 600.8371 |
| Writ of Garnishment, Attachment, Execution, or Judgment | 600.5757 | Required | Funding Unit | Statutes are silent as to |

[1] A party that is a governmental entity is not required to pay an electronic filing system fee. MCL 600.1986(4).

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

| | | | | |
|---|---|---|---|---|
| Debtor Discovery Subpoena | 600.8420(2) | | | distribution |
| Appeals from District Court[2] | 600.6536 | Required | Funding Unit | Statute is silent as to distribution |

| CRIMINAL/TRAFFIC ASSESSMENTS | | | | |
|---|---|---|---|---|
| **Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| Civil Fines[3] | 257.907(2)<br>257.907(3)<br>600.8727(2)<br>600.8827(2)<br>Underlying statute of offense | Either – as reflected in authorizing statute<br><br>Discretionary **(D)**<br>or<br>Required **(R)** | Statute Violation – County treasurer for libraries<br><br>Ordinance Violation – Non-commercial Vehicle – 1/3 political sub. whose ordinance was violated; 2/3 funding unit<br><br>Ordinance Violation – Commercial Vehicle – 30% county treasurer for libraries; 70% political sub. in which citation was issued | MCL 600.8379(1)(a): statute violation<br><br>MCL 600.8379(1)(c): ordinance violations (non-commercial motor vehicle)<br><br>MCL 600.8379(1)(e) , (f): ordinance violations (commercial motor vehicle) |
| Penal Fines | Underlying statute of offense<br>750.504<br>769.1k(1)(b)(i)<br>769.3<br>771.3(2)(b) | Either –as reflected in authorizing statute | Statute Violation – County treasurer for libraries<br><br>Ordinance Violation – 1/3 political sub. whose ordinance was violated; 2/3 funding unit | MCL 600.8379(1)(a): statute violations<br><br>MCL 600.8379(1)(c) : ordinance violations |
| Court Costs | 257.907(4)<br>445.377(1)<br>600.8375<br>600.8727(3)<br>600.8827(3)<br>750.159j(2) | Discretionary | Statute Violation – Funding unit<br><br>Ordinance Violation – 1/3 political sub. whose ordinance was violated; 2/3 funding unit | MCL 600.8379(1)(b): statute violations<br><br>MCL 600.8379(1)(c) : ordinance violations |

[2] Includes appeals from civil and criminal cases.

[3] Amount may not be increased after trial when predetermined by published schedule. *People v Courts*, 401 Mich 57 (1977) and *People v Bogedain*, 185 Mich App 349 (1990).

| | | | | |
|---|---|---|---|---|
| | 769.1k(1)(b)(ii)<br>769.1k(1)(b)(iii)<br>769.3<br>771.3(2)(c) | | | |
| Costs of Prosecution | Underlying statute of the offense<br>771.3(2)(c) | Either –as reflected in authorizing statute | Presumably the unit of government that incurred the costs | Statute is silent as to distribution |
| Probation Costs | 771.3(2)(c) | Discretionary | Funding Unit | Statute is silent as to distribution |
| Justice System Assessment | 257.907(13)<br>600.8727(4)<br>600.8827(4) | Required | Justice System Fund | MCL 257.907(13)<br>MCL 600.8727(4)<br>MCL 600.8827(4) |

| CRIMINAL/TRAFFIC ASSESSMENTS | | | | |
|---|---|---|---|---|
| **Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| Minimum State Cost | 600.8381(4)<br>769.1j(1)<br>769.1k(1)(a)<br>771.3(1)(g) | Required if two other assessments are ordered | Justice System Fund | MCL 769.1j(2),(6) |
| Attorney Fees | MCR 6.005(C)<br>769.1k(1)(b)(iv)<br>771.3(2)(c) | Discretionary | Funding Unit | Statute is silent as to distribution |
| Reimbursement | 769.1f<br>769.1g<br>769.1k(1)(b)(vi) | Either – as reflected in authorizing statute | Unit(s) of government named in the order | MCL 769.1f(4) |
| Crime Victim Rights Assessment | 771.3(1)(f)<br>780.905 | Required for felony or misdemeanor convictions | 90% Crime Victim Rights Fund<br>10% Funding Unit | MCL 780.905(7) |
| Restitution | 769.1a(2)<br>769.3<br>771.3(1)(e)<br>780.826(2) | Required | Victim or Crime Victim Rights Fund if victim cannot be located or refuses to claim restitution[4] | MCL 780.826 |

[4] Restitution disbursements to victims should be made at least once a month. If a person entitled to receive restitution that the court has collected cannot be located, refuses to claim it from the court within two years of being eligible to do so, or refuses to accept the restitution, the court must remit the unclaimed amount to the Crime Victim Rights Fund on its monthly transmittal to the state.

| | | | | |
|---|---|---|---|---|
| Driver License Clearance Fee | 257.321a(5)(b)<br>257.321a(8)(b)<br>257.321a(9)(b) | Required | $15 Secretary of State<br>$15 Juror Comp. Fund<br>$15 Funding unit | MCL 257.321a(11) |
| 20% Late Penalty | 600.4803 | Required | Funding Unit | MCL 600.4803(2) |
| Costs to Compel Appearance | 257.729<br>600.8735<br>600.8835<br>769.1k(2) | Discretionary | Funding Unit | MCL 257.729 (motor vehicle code); MCL 600.8735 (municipal civil infraction); MCL 600.8835 (state civil infraction); MCL 769.1k(2) silent as to distribution. |
| Judgment Fee | 324.1609 | Required | State Game and Fish Protection Account | MCL 324.1609 |
| Forfeitures for Value of Game | 324.40119 | Required | State Game and Fish Protection Account | MCL 324.40119 |
| Forfeitures for Value of Game Fish | 324.48740 | Required | State Game and Fish Protection Account | MCL 324.40119 |
| No Proof of Insurance Fee | 257.328(3)(c) | Discretionary | Funding Unit | MCL 257.328(3)(c) |

| CRIMINAL/TRAFFIC ASSESSMENTS | | | | |
|---|---|---|---|---|
| **Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| DNA Assessment | 28.176(5) | Required at conviction for attempted felony and specific misdemeanors[5] | 10% Funding Unit<br>25% Law enforcement agency that collected the DNA sample<br>65% to state treasurer for deposit in the justice system fund | MCL 28.176(8) |
| Interpretation Costs | MCR 1.111(F)(5) | Discretionary | Funding Unit | Court rule is silent on distribution |
| Marriage Fee | 600.8316(1) | Required | Funding unit of court in which judge or magistrate performing marriage serves | MCL 600.8316(1) |
| NSF Check Costs | MCR 8.106(E) | Discretionary | Funding Unit | Court rule is silent on |

[5] MCL 28.176(5) requires the assessment for offenses listed in subsection (1). This includes conviction of a felony, attempted felony or any of the following misdemeanors, including substantially corresponding local ordinances: a violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution; a violation of section 335a(1) of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure; a violation punishable under section 451(1) or (2) of the Michigan penal code, 1931 PA 328, MCL 750.451, first and second prostitution violations; a violation of section 454 of the Michigan penal code, 1931 PA 328, MCL 750.454, leasing a house for purposes of prostitution. [MCL 750.520m(1)(b)]

| | | | | distribution |
|---|---|---|---|---|

**NOTE:** Courts can only assess what is authorized by statute or court rule. There is no authority for a court to impose any costs on a criminal defendant if he or she is not convicted of a crime unless otherwise provided by statute.

# Distribution Authority - Circuit Court

| CIVIL FEES | | | | |
|---|---|---|---|---|
| **Fee or Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| Civil Filing Fee | 600.2529(1)(a) | Required[1] | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.2529(1)(a) |
| Electronic Filing System Fee for Civil Actions[2] | 600.1986(1)(a) | Required[3] | Judicial Electronic Filing Fund | MCL 600.1989 |
| Petition for Adoption | 600.2529(1)(a) | Required | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.2529(1)(a) |
| Petition for Rescission of Adoption | 600.2529(1)(a)<br>710.66 | Required | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.2529(1)(a) |
| Petition for Name Change | 600.2529(1)(a) | Required | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.2529(1)(a) |
| Petition for Emancipation | 600.2529(1)(a) | Required | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.2529(1)(a) |
| Ancillary Conservatorship or Ancillary Guardianship (filing fee) | 600.1027(1) | Required[4] | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.1027(3) |
| Appeals to Circuit Court (civil or criminal cases) | 600.2529(1)(b) | Required[5] | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.2529(1)(b) |
| Appeals from Circuit Court | 600.2529(1)(g) | Required | Funding Unit | Statute is silent as to distribution |
| Jury Demand Fee | 600.2529(1)(c) | Required | $60 Funding Unit<br>$25 Juror Comp. Reimb. Fund | MCL 600.2529(1)(c) |
| Motion Fee (See Chart) | 600.2529(1)(e) | Required[6] | $10 Funding Unit<br>$10 State Court Fund | MCL 600.2529(1)(e) |
| Writ of Garnishment, Attachment, Execution, or Judgment Debtor Discovery Subpoena | 600.2529(1)(h) | Required | Funding Unit | Statute is silent as to distribution |

[1] MCR 3.214(D) states that there is no fee for registering (only) a foreign custody determination under MCL 722.1304. The fee applies to all other new UCCJEA actions. MCL 552.2313(1) prohibits charging a UIFSA petitioner filing fees or other costs. No filing fees are required for the commencement of a paternity action pursuant to MCL 722.727. No filing fees are required for filing a child protective action or a delinquency action under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, or under the young adult voluntary foster care act, 2011 PA 225, MCL 400.641 to 400.671. MCL 600.2529(8)

[2] "Civil action" means an action that is not a criminal case, a civil infraction action, a proceeding commenced in the probate court under section 3982 of the estates and protected individuals code, 1988 PA 386, MCL 700.3982, or a proceeding involving a juvenile under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. MCL 600.1985(c). It also excludes the following case types: AH,AR, AE, AV,AX, CC (if filed by city or county attorney),DP (mother receiving state aid or prosecutor filing), DS (mother receiving state aid), ID,NB,PW,PH,PJ,PP,UD,UE,UF,UI,UM,UN,UT,UW,VF,VP. The electronic filing system fee does not apply to appeals. See also SCAO Administrative Memorandum 2016-02.

[3] A party that is a governmental entity is not required to pay an electronic filing system fee. MCL 600.1986(4)

[4] Attorney General, Department of Treasury, Department of Human Services, State Public Administrator, or Administrator of Veterans Affairs of the United States Veterans Administration or agencies of county government are all exempt. MCL 600.1027(2)

[5] Not required for appeals from the Michigan Employment Security Board of Review. MCL 421.31

[6] In conjunction with an action brought under MCL 600.2950 or 600.2950a, a motion fee shall not be collected for a motion to dismiss the petition, a motion to modify, rescind, or terminate a personal protection order, or a motion to show cause for a violation of a personal protection order. A motion fee shall not be collected for a motion to dismiss a proceeding to enforce a foreign protection order or a motion to show cause for a violation of a foreign protection order under MCL 600.2950h to 600.2950m. A motion fee shall not be collected for a request for a hearing to contest income withholding under section 7 of the Support and Parenting Time Enforcement Act. MCL 600.2529(e)

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

## Distribution Authority - Circuit Court

| FRIEND OF THE COURT RELATED FEES | | | | |
|---|---|---|---|---|
| **Fee or Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| Custody and Parenting Time Fee in an action in which custody or parenting time of minor children is to be determined | 600.2529(1)(d)(*i*) | Required | Friend of the Court Fund | MCL 600.2529(4) |
| Support Fee in an action in which support of minor children is to be determined | 600.2529(1)(d)(*ii*) | Required[7] | Friend of the Court Fund | MCL 600.2529(4) |
| Order of Filiation Fee | 722.717(4)<br>333.2891(9)(a) | Required | $9 Funding Unit<br>$50 Department of Community Health | MCL 722.717(4)<br>MCL 333.2891 |
| Friend of the Court Service Fee[8] (non-IV-D services) | 600.2538(1) | Required | $2.25 Funding Unit<br>$1.00 State Court Fund<br>$0.25 Attorney General's Operations Fund | MCL 600.2538(1) |
| Bench Warrant Costs - Support | 552.631(3) | Required, except for good cause shown on record | 50% Friend of the Court Fund<br>50% County Treasurer for Law Enforcement Agency | MCL 552.631(4) |
| Bench Warrant Costs – Parenting time violations | 552.644(5) | Required, except for good cause shown on record | 50% Friend of the Court Fund<br>50% County Treasurer for Law Enforcement Agency | MCL 552.644(5) |
| Fines – Contempt in support proceedings | 552.633(2)(g) | Discretionary | Friend of the Court Fund | MCL 552.633(2)(g) |
| Fines – Contempt for parenting time violations | 552.644(2)(d) | Discretionary | Friend of the Court Fund | MCL 552.644(6) |
| Sanction – Parenting time disputes (against party acting in bad faith) | 552.644(6) | Required | Friend of the Court Fund | MCL 552.644(6) |
| Driver License Clearance Fee (FOC suspensions) | 257.321c(3)(b) | Required | $15 Secretary of State | MCL 257.321c(6) |

[7] This fee does not apply if Custody and Parenting Time Fee for custody or parenting time is paid.

[8] FOC service fees are collected and distributed by the state MISDU.

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

| | | | | |
|---|---|---|---|---|
| | | | $30 Friend of the Court Fund | |

| CRIMINAL ASSESSMENTS | | | | |
|---|---|---|---|---|
| **Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| Fines | Underlying statute of the offense 769.1k(1)(b)(*i*) OR As otherwise authorized under: 750.503 750.504 771.3(2)(b) | Either – as reflected in authorizing statute | County Treasurer for Libraries | Article 8 section 9 of Michigan Constitution of 1963<br><br>MCL 600.4845(1) |
| Court Costs | 445.377(1) 750.159j(2) 769.1k(1)(b)(*ii*) 769.1k(1)(b)(*iii*) | Discretionary | Funding Unit | Statutes are silent as to distribution |
| Costs of Prosecution | Underlying statute of the offense 771.3(2)(c) | Either – as reflected in authorizing statute | Presumably the unit of government that incurred the costs | Statute is silent as to distribution |
| Attorney Fees | MCR 6.005(C) 769.1k(1)(b)(*iv*) 771.3(2)(c) | Discretionary | Funding Unit | Statute/court rule silent as to distribution |
| Appeals to Circuit Court (civil or criminal cases) | 600.2529(1)(b) | Required[9] | $31 Funding Unit<br>$119 Civil Filing Fee Fund | MCL 600.2529(1)(b) |
| Minimum State Cost | 769.1j(1) 769.1k(1)(a) 771.3(1)(g) | Required if two other assessments are ordered | Justice System Fund | MCL 769.1j(2), (6) |
| Crime Victim Rights Assessment | 771.3(1)(f) 780.905 | Required for felony or | 90% Crime Victim Rights Fund<br>10% Funding Unit | MCL 780.905(7) |

† Not required for appeals from the Michigan Employment Security Board of Review. MCL 421.31[10] Restitution disbursements to victims should be made at least once a month. If a person entitled to receive restitution that the court has collected cannot be located, refuses to claim it from the court within two years of being eligible to do so, or refuses to accept the restitution, the court must remit the unclaimed amount to the Crime Victim Rights Fund on its monthly transmittal to the state.

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

| | | | | |
|---|---|---|---|---|
| | | misdemeanor convictions | | |
| Restitution | 750.543x<br>769.1a(2)<br>769.3<br>769.34(6)<br>771.3(1)(e)<br>780.766(2)<br>780.826(2) | Required | Victim or Crime Victim Rights Fund if victim cannot be located or refuses to claim restitution[10] | MCL 780.826<br>MCL 780.766 |
| Reimbursement | 750.543x<br>769.1f<br>769.1g<br>769.1k(1)(b)(*vi*) | Either – as reflected in authorizing statute | Unit(s) of government named in the order | MCL 769.1f(4) |
| Driver License Clearance Fee | 257.321a(5)(b) | Required | $15 Secretary of State<br>$15 Juror Compensation Reimbursement Fund<br>$15 Funding Unit | MCL 257.321a(11) |
| DNA Assessment | 28.176(5) | Required | 10% Funding Unit<br>25% Law enforcement agency that collected the DNA sample<br>65% to state treasurer for deposit in the justice system fund | MCL 28.176(8) |
| 20% Late Penalty | 600.4803(1) | Required | Funding Unit | MCL 600.4803(2) |
| Costs to Compel Appearance | 769.1k(2) | Discretionary | Funding Unit | Statute is silent as to distribution |

[10] Restitution disbursements to victims should be made at least once a month. If a person entitled to receive restitution that the court has collected cannot be located, refuses to claim it from the court within two years of being eligible to do so, or refuses to accept the restitution, the court must remit the unclaimed amount to the Crime Victim Rights Fund on its monthly transmittal to the state.

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

| JUVENILE ASSESSMENTS | | | | |
|---|---|---|---|---|
| **Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| Fines | 712A.18(1)(j)<br>Underlying ordinance or law of the offense | Discretionary | Statute Violation – County treasurer for libraries<br><br>Ordinance Violation - 1/3 to political sub. whose ordinance was violated; 2/3 to funding unit | MCL 712A.29(5): statute violation<br><br>MCL 712A.29(6): ordinance violation |
| Minimum State Cost | 712A.18(1)(b)<br>712A.18(18)<br>712A.18m(1) | Required if two other assessments are ordered | Justice System Fund | MCL 712A.18m(2), (4) |
| Crime Victim Rights Assessment | 712A.18(12)<br>780.905(3) | Required if offense adjudicated is a felony or misdemeanor | 90% Crime Victim Rights Fund<br>10% Funding Unit | MCL 780.905(7) |
| Restitution | 712A.2f(7)(a)<br>712A.18(7)<br>712A.30(2)<br>712A.30(15)<br>780.766(15)<br>780.794(2)<br>780.794(15) | Required-Juvenile | Victim or Crime Victim Rights Fund if victim cannot be located or refuses to claim restitution[11] | MCL 780.766<br>MCL 780.794<br>MCL 780.826 |
| Reimbursement for cost of care and services | 712A.18(2)<br>712A.18(3)<br>769.1(7) | Required for cost of care<br>Discretionary for cost of service pursuant to MCL 712A.18(3) | Funding Unit:<br>25% to offset administrative cost of collections[12]<br>75% Child Care Fund divided in same ratio to county, state, and federal government that participate in cost of care | MCL 712A.18(2), (3)<br>MCL 769.1(7) |
| Attorney Fees | 712A.18(5)<br>769.1(8) | Discretionary | Funding Unit | Statutes are silent as to distribution |
| 20% Late Penalty | 600.4803 | Required | Funding Unit | MCL 600.4803(2) |
| DNA Assessment | 28.176(5) | Required | 10% Funding Unit<br>25% Law enforcement agency that collected the DNA sample | MCL 28.176(8) |

[11] Restitution disbursements to victims should be made at least once a month. If a person entitled to receive restitution that the court has collected cannot be located, refuses to claim it from the court within two years of being eligible to do so, or refuses to accept the restitution, the court must remit the unclaimed amount to the Crime Victim Rights Fund on its monthly transmittal to the state.

[12] Child support collected for a child in foster care is not reimbursement pursuant to MCL 712A.18. See SCAO Administrative Memorandum 2008-01.

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

| | | | | |
|---|---|---|---|---|
| | | | 65% to state treasurer for deposit in the justice system fund | |

| GENERAL FEES AND ASSESSMENTS | | | | |
|---|---|---|---|---|
| **Assessment** | **Authority (MCL)** | **Required or Discretionary** | **Distribution** | **Distribution Authority** |
| Interpretation Costs | MCR 1.111(F)(5) | Discretionary | Funding Unit | Court rule is silent on distribution |
| NSF Check Costs | MCR 8.106(E) | Discretionary | Funding Unit | Court rule is silent on distribution |

**NOTE:** Courts can only assess what is authorized by statute or court rule. Unless otherwise provided by statute, there is no authority for a court to impose any costs on a criminal defendant if he or she is not convicted of a crime or if an order of disposition is not entered (for example, diversion cases).

# Distribution Authority - Probate Court

| FEES APPLICABLE TO MULTIPLE TYPES OF CASES | | | |
|---|---|---|---|
| **Type of Filing or Request[1]** | **Authority (MCL)** | **Distribution** | **Distribution Authority** |
| Demand for Jury Trial | 600.857(3) | Funding Unit | MCL 600.857(3) |
| Motion | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Objection | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Amended Petition | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition for Instruction | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition to Withdraw a Petition | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition to Withdraw as Attorney | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Appeal to Court of Appeals | 600.880c(1) | Funding Unit | MCL 600.880c(3) |
| Petition and Order | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Issuance of a Commission to Take Testimony | 600.874(1)(b) | $3.33 Funding Unit<br>$3.67 State General Fund | MCL 600.877 |
| Petition for Appointment of Guardian ad Litem | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition to Allow Fees of Guardian ad Litem | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition for Settlement of Personal Injury Claim | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Writ of Garnishment, Attachment, Execution, or Judgment Debtor Discovery Subpoena | 600.880b(2) | 50% Funding Unit<br>50% State Court Fund | MCL 600.880b(6) |
| Petition for Temporary Restraining Order | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Electronic Filing System Fee for Civil Actions[2] | 600.1986(1)(a) | Judicial Electronic Filing Fund | MCL 600.1989 |

[1] All fees are required with the following exceptions:

- A fee shall not be charged for commencing a proceeding under a provision of the mental health code (MCL 330.1001 to 330.2106). MCL 600.880(3).
- The Attorney General, Department of Treasury, Department of Health and Human Services, State Public Administrator, Administrator of Veterans Affairs, and county government agencies pay no filing fees. MCL 600.880(4), 600.880a(2), 600.880b(5)
- A party that is a governmental entity is not required to pay an electronic filing system fee. MCL 600.1986(4)

[2] "Civil action" means an action that is not a criminal case, a civil infraction action, a proceeding commenced in the probate court under MCL 700.3982 [case type PE], or a proceeding involving a juvenile under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. It also excludes the following case types: TR, DD, JA, MI, and all ML filings except for Advanced Directive Proceedings, Review of Drain Commission, Petition for Order to Donate Kidney by Minor, Petition to Establish Death of Victim of Accident or Disaster, and Petition under Uniform Transfers to Minors Act.

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

# Distribution Authority - Probate Court

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|
| Demand for Notice<br>-No Estate Pending<br><br>-Estate Pending | <br>600.880(1)<br><br>600.880b(1) | <br>Civil Filing Fee Fund<br><br>$10 Funding Unit<br>$10 State Court Fund | MCL 600.880(5)<br><br>MCL 600.880b(6) |
| Petition for Assignment of Estate under $23,000[3]<br>Value of Estate as Reflected in Inventory[4]<br>-Estate Valued less than $1000<br><br>-Estate Valued from $1000-$2999.99<br><br>-Estate Valued from $3000-$9999.99<br><br>-Estate Valued from $10,000-$24,999.99<br><br>-Estate Valued from $25,000-$49,999.99<br><br>-Estate Valued from $50,000-$99,999.99<br><br>-Estate Valued from $100,000-$500,000<br><br>-Estate Valued from $500,000.01-$1,000,000<br><br>-Estate Valued above $1,000,000 | 600.880(2)<br>600.871(1) | State Court Fund<br>47.5% Funding Unit<br>52.5% State General Fund | MCL 600.880(5)<br>MCL 600.877 |
| **Type of Filing or Request[1]** | **Authority (MCL)** | | **Distribution Authority** |
| Petition/Application for Probate and/or Appointment of Personal Representative<br>-Commences an Estate | | | MCL 600.880(5) |

[3] The filing fee for this petition does not include the inventory fee for the estate. Note: Beginning in 2001, the $15,000 threshold amount will be subject to a cost-of-living adjustment factor. The current amount can be found at: http://www.michigan.gov/documents/treasury/2018_Estates_and_Protected_Individuals_Code_Cost-of-Living_Adjustments_to_Specific_Dollar_Amounts_611818_7.pdf

[4] All inventory fees are to be rounded to the nearest whole dollar. The lien on real property is deducted from the value of that real property (but not below zero) when calculating the inventory filing fee.

## Distribution Authority - Probate Court

| | | | | |
|---|---|---|---|---|
| -Filed after an Estate is Open | 600.880(1)<br>600.880b(1) | | Civil Filing Fee Fund<br>$10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition to Determine Heirs<br>-No Estate Pending<br>-Estate Pending | 600.880(1)<br>600.880b(1) | | Civil Filing Fee Fund<br>$10 Funding Unit<br>$10 State Court Fund | MCL 600.880(5)<br>MCL 600.880b(6) |
| Petition to Reopen a Closed File | 600.880(1) | | Civil Filing Fee Fund | MCL 600.880(5) |
| Account[5] (for each account filed) | 600.880b(1) | | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition for Allowance of Account when filed separately from account | 600.880b(1) | | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Statement and Proof of Claim | 600.880b(1) | | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Filing of Letters by Foreign Personal Representative | 600.880b(1) | | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending | 600.880b(1) | | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|
| Initiating a Proceeding Involving a Testamentary Trust<br>-Processed Separately from a Decedent's Estate<br>-Processed as Part of a Decedent's Estate | 600.880(1)<br>600.880b(1) | Civil Filing Fee Fund<br>$10 Funding Unit<br>$10 State Court Fund | MCL 600.880(5)<br>MCL 600.880b(6) |
| Petition to Commence a Proceeding Relating to an Inter Vivos Trust | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |
| Registration of Trust | 600.880c(2) | Funding Unit | MCL 600.880c(3) |
| Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|

[5] The account is not subject to MCR 2.119(G)(2) as it is not a motion.

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

# Distribution Authority - Probate Court

| | | | |
|---|---|---|---|
| Request for Notice of Guardianships Orders<br>-No Proceeding Pending<br><br>-Proceeding Pending | 700.5104;<br>600.880a(1)<br>600.880b(1) | Civil Filing Fee Fund<br><br>$10 Funding Unit<br>$10 State Court Fund | MCL 600.880a(3)<br><br>MCL 600.880b(6) |
| Petition for Full or Limited Guardianship, including request for Temporary Guardianship on same petition | 600.880a(1) | Civil Filing Fee Fund | MCL 600.88a(3) |
| Account[6]<br>(for each account filed if ordered by the court pursuant to MCR 5.409(C)(1)) | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Any other paper filed by anyone other than the ward, no matter how titled, which requests relief or requires a hearing or ruling of the court when proceeding pending | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|
| Request for Notice of Orders in Protective Proceedings<br>-No Proceeding Pending<br><br>-Proceeding Pending | 700.5104<br>600.880(1)<br>600.880b(1) | Civil Filing Fee Fund<br><br>$10 Funding Unit<br>$10 State Court Fund | MCL 600.880(5)<br><br>MCL 600.880b(6) |
| Petition for Conservator or Protective Order including request for Temporary Conservator on same petition | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |
| Account[6]<br>(for each account filed) | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition for Allowance of Account when filed separately from account | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition for Attorney Fees when filed separately from account | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Statement and Proof of Claim | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Petition for Settlement of Personal Injury Claim | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |
| Any other paper filed by anyone other than the protected individual, no matter how titled, which requests relief or requires a hearing or ruling of the court when proceeding is pending | 600.880b(1) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6) |

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|
| Summons and Complaint | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

## Distribution Authority - Probate Court

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|
| Petition for Second and Continuing Order | 600.880(3) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880(5) |
| Petition to Terminate/Modify Guardian of Developmentally Disabled Individual | 600.880(3) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880(5) |
| Any other paper filed by anyone other than the ward, no matter how titled, which requests relief or requires a hearing or ruling of the court when proceeding pending | 600.880b(1)<br>600.880(3) | $10 Funding Unit<br>$10 State Court Fund | MCL 600.880b(6)<br><br>MCL 600.880(5) |

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|
| Performance of Marriage Ceremony | 600.874(1)(a) | $4.75 Funding Unit<br>$5.25 State General Fund | MCL 600.877 |
| Secret Marriage License | 551.202 | $2.00 Funding Unit<br>$1.00 State General Fund | MCL 551.202 |
| Petition to Open Safe Deposit Box | 700.2517(2)(a) | Funding Unit | MCL 700.2517(2)(a) |
| Will Filed for Safekeeping | 600.880c(2) | Funding Unit | MCL 600.880c(3) |
| Motion and Order for Delayed Registration of Foreign Birth | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |
| Petition to Establish Death of Victim of Accident or Disaster | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |
| Petition under Uniform Transfers to Minors Act (Act 433 of 1998) | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |
| Drain Appeal | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |
| Advanced Directive Proceeding | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |
| Petition for Order to Donate Kidney by Minor | 600.880(1) | Civil Filing Fee Fund | MCL 600.880(5) |

| Type of Filing or Request[1] | Authority (MCL) | Distribution | Distribution Authority |
|---|---|---|---|
| Certified Copy of Letters of Authority<br>-Certification fee<br>-Each page | 600.2546 | Funding Unit | Statute is silent on distribution |
| Certified Copy of Deposition | 600.874(1)(c) | 47.5% Funding Unit | MCL 600.877 |

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.

## Distribution Authority - Probate Court

| | | | |
|---|---|---|---|
| | | 52.5% State General Fund | |
| Taking, Certifying, Sealing, and Forwarding Deposition to Appellate Court | 600.874(1)(c) | 47.5% Funding Unit<br>52.5% State General Fund | MCL 600.877 |
| Any other Certified Copy of any other Paper<br>-Certification fee<br>-Each page | 600.2546 | Funding Unit | Statute is silent on distribution |

Note: Distribution to the "Funding Unit" refers to the court's local funding unit.