

Fees, Costs, & Assessments District / Municipal Court

Effective October 1, 2003

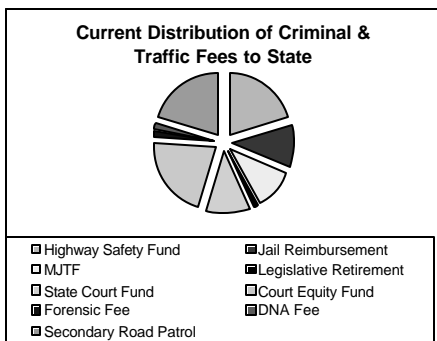
Sandi Hartnell
Management Analyst
State Court Administrative Office

Introduction

- Original Concept: Collapse fees distributed to state
- Changes Effective October 1, 2003
- 2003 Public Acts 70-79, 95-102, 138
- SCAO Administrative Memorandum 2003-08, August 6, 2003

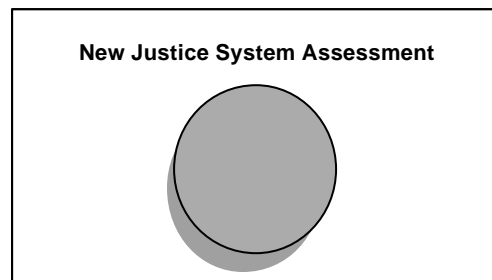
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Criminal Traffic Distribution



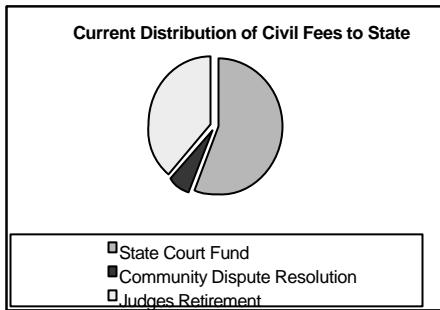
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Justice System Assessment



4

Civil Fee Distribution



5

Civil Filing Fee Fund



6

Forensic Fee and DNA Sample Assessments

- October 1, 2003 do NOT assess.
- Assessments ordered prior to October 1, 2003:
 - ✓ Collect the amount ordered
 - ✓ Transmit to the Justice System Fund

7

Misdemeanor State Cost

October 1, 2003:

- Specified and Serious Misdemeanors: increase from \$9 to \$45*
- All other misdemeanors increase from \$9 to \$40.
- Deposit \$9 (old cases), \$40 and \$45 to the Justice System Fund

*Also assess and collect \$50 Crime Victim Fee.

8

Condition of Probation
MCL 771.3



Minimum state cost (\$40 or \$45)

- ✓ Condition of probation
- ✓ Stated on the order of probation.

9

Partial Payment Priority
MCL 775.22



**50% of every payment to Crime Victim
Fee and Restitution**

Balance applied in following order:

- ✓ Minimum state cost (\$40 or \$45)
- ✓ Other costs
- ✓ Fine
- ✓ Probation supervision
- ✓ Other assessments or payments

10

**Civil Infractions State Cost
and Other Assessments**



Do NOT assess beginning October 1, 2003:

- ✓ \$9 state minimum cost
- ✓ \$5 Michigan Justice Training assessment
- ✓ \$5 Highway Safety Fund assessment
- ✓ \$5 Jail Reimbursement assessment
- ✓ \$10 Secondary Road Patrol assessment

Cases with judgments prior to October 1, 2003:

- ✓ collect amount ordered
- ✓ transmit to Justice System Fund

11

**Civil Infractions Without
Judgment on October 1, 2003**



Delete assessments not applicable.

Add new assessments as applicable:

Traffic (Michigan Vehicle Code or substantially corresponding local ordinance)

- ✓ \$40 justice system assessment

Non-traffic

- ✓ \$10 justice system assessment

12

**Seat Belt
MCL 257.907**



Seat Belt Violation:

Fine and cost	\$25
Justice system assessment	\$40
Total	\$65

13

**No Proof of Insurance
MCL 257.328**



No Proof of Insurance, Current Proof Provided:

Fine and cost	\$1-10*
No proof assessment	\$25
Total	\$26-35 minimum

*If fine + cost exceed \$10, add \$40 justice system assessment.

14

Civil Filing Fees



**Commencement of Action—General Civil
and Small Claims MCL 600.8371, 600.8420**

<u>Amount in controversy</u>	<u>Current</u>	<u>October 1, 2003</u>
Does not exceed \$600	\$ 17	\$ 25
>\$600 - \$1,750	\$ 32	\$ 45
>\$1,750 - \$3,000	\$ 32	\$ 65
>\$1,750 - \$10,000	\$ 52	\$ 65
>\$10,000	\$100	\$150

15

Landlord Tenant Actions



**Commencement of Action—Landlord Tenant
MCL 600.5756**

	<u>Current</u>	<u>October 1, 2003</u>
Complaint for Possession	\$ 32	\$ 45
Supplemental Complaint for Money Judgment:		
Does not exceed \$600	\$ 17	\$ 25
>\$600 - \$1,750	\$ 32	\$ 45
>\$1,750 - \$10,000	\$ 52	\$ 65
>\$10,000	\$100	\$150

16

Claim & Delivery

Commencement of Action—Claim & Delivery MCL 600.8371(8)

	<u>Current</u>	<u>October 1, 2003</u>
Complaint for Possession	\$ 52	\$ 65
Supplemental Complaint for Money Judgment:		
Does not exceed \$600	\$ 17	\$ 25
>\$600 - \$1,750	\$ 32	\$ 45
>\$1,750 - \$10,000	\$ 52	\$ 65
>\$10,000	\$100	\$150

17

Motion Fee

Motion Fee MCL 600.8371(10)

	<u>Current</u>	<u>October 1, 2003</u>
Claims over \$10,000	\$ 20	
All Civil, including Small Claims		\$ 20
>No motion fee on civil infractions		

Includes motions, petitions, applications, and other requests for orders in a pending action filed with the court. MCR 2.119(G)

18

Distribution of Civil Filing Fees

Distribution of Civil Filing Fees MCL 600.8371, 600.5756, 600.8420

<u>Fee Amount</u>	<u>District Funding Unit</u>	<u>State</u>
\$ 25	\$ 11	\$ 14
\$ 45	\$ 17	\$ 28
\$ 65	\$ 23	\$ 42
\$150	\$ 31	\$119

Distribution applies to all fees regardless of type of claim.

19

Future Filing Fee Decrease

October 1, 2005 decrease in filing fees:

<u>Amount in controversy</u>	<u>Oct 1, 2003</u>	<u>Oct 1, 2005</u>
Does not exceed \$600	\$ 25	\$ 20
>\$600 - \$1,750	\$ 45	\$ 40
>\$1,750 - \$3,000	\$ 65	\$ 60
>\$1,750 - \$10,000	\$ 65	\$ 60
>\$10,000	\$150	\$150
Claim & Delivery	\$ 65	\$ 60

20

Transmittal of Money

*Please see presentation
by Rebecca Mack*

Review

Effective October 1, 2003

- Eliminate assessment of:
 - ✓ Forensic Fee
 - ✓ DNA assessment
 - ✓ Traffic civil infraction \$9(\$5/4) state cost & \$5/5/10
- Civil Infractions: assess \$10 or \$40 Justice System Assessment

22

Review

Effective October 1, 2003

- Increase misdemeanor state minimum cost: \$9 ? \$40 or \$45
- Require state minimum cost as condition of probation
- Amend priority of payment for partial payments
- Change civil filing fee amounts and distribution

23

Questions

Address Questions to:

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24



**Fees, Costs, & Assessments
For Circuit Court**

Effective October 1, 2003

Dawn M. Childress

Management Analyst
State Court Administrative Office

25



**Circuit Court – Civil
(Including Family Division)**

- Civil Filing Fee \$150
- Ancillary Conservatorship \$150
- Ancillary Guardianship \$150
- Appeals to Circuit Court \$150
- Name Change \$150
- Emancipation \$150
- Adoption \$150
- Juvenile No Filing Fee
- Abuse And Neglect No Filing Fee

27



Non-Traffic Civil Infractions

Justice System Assessment \$10

Traffic Civil Infractions

Justice System Assessment \$40

DNA Sample Assessment

- Order for DNA Sampling still required
- No DNA fee is assessed

30

What To Do?

~~Collection of previously ordered DNA fees~~

- Take the money!
- 65% is sent to the Justice System Fund instead of the State Police Forensic Lab
- The rest stays the same:
 - ✓ \$15.00 Local Law Enforcement
 - ✓ \$ 6.00 Local Funding Unit

Forensic Lab Fee...

...is eliminated effective 10/1/2003.

31

What to do?

Collection of previously ordered Forensic Lab Fees

- Take the money!
- 85% is sent to the Justice System Fund instead of the State Police Forensic Unit
- The rest stays the same:
 - ✓ \$ 7.50 Local Law Enforcement
 - ✓ \$ 7.50 Local Funding Unit
 - ✓ \$ 7.50 Local Prosecutor's Office

33

Crime Victim Rights...

...remains the same.

State Minimum Costs...

What are they?

- Assessed per count, NOT per case
- May NOT be waived
- Shall be condition of probation or parole
- Shall be ordered to be collected out of cash bond or deposit

35

State Minimum Costs...

How much?

- Simple Misdemeanors \$40.00
- Serious/Specified Misdemeanors \$45.00
- Felonies \$60.00

36

Example:

- A defendant pleads guilty to OUIL 3rd and Driving While License Suspended (DWLS)
Assess:
Ct. 1 OUIL 3rd – state minimum costs \$60
Ct. 2 DWLS – state minimum costs \$45

37

Priorities Change

- 50% of all money collected to victim payments
- State Minimum Costs
- Other Costs
- Fines
- Probation or Parole Supervision Fees
- Payment of Assessments or Other Payments

38

Transmittal of Money

*Please see presentation
by Rebecca Mack*

Questions?

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Fees, Costs, & Assessments For Probate Court

Jean Mahjoory
Management Analyst
State Court Administrative Office

41



Probate Court Fee Increases

- New filing From \$100 to \$150
- Guardianship filing From \$50 to \$150
- Motion, petition,
objection, account,
or claim From \$15 to \$20

43



Examples of New Filings in Decedent Estates

- Petition/Application for Probate and/or Appointment of Personal Representative Which Commences an Estate
- Petition to Determine Heirs – No Estate Pending
- Petition to Reopen Closed File
- Demand for Notice – No Estate Pending

44

Examples of Supplemental Filings in Decedent Estates



- Petition/Application for Probate and/or Appointment of Personal Representative - Estate Pending
- Demand for Notice - Estate Pending
- Petition to Determine Heirs – Estate Pending
- Filing of Account

45

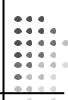
Examples Of Supplemental Filings In Decedent Estates



- Petition for Allowance of Account – Filed Separately from Account
- Petition for Attorney Fees – Filed Separately from Account
- Statement and Proof of Claim
- Filing of Letters by Foreign Personal Representative

46

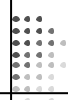
Fees Applicable To Trusts



- Initial Filings
 - Proceeding Involving a Testamentary Trust
 - Proceeding Involving a Inter Vivos Trust
- Supplemental Filings
 - Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending

47

Examples Of New Filings In Guardianship And Conservatorship Proceedings



- Petition for Full or Limited Guardianship
- Petition for Conservator or Protective Order
- Request for Notice of Guardianship Orders – No Case Pending
- Request for Notice of Protective Proceedings Orders – No Case Pending

48

Examples Of Supplemental Filings In Guardianship And Conservatorship Proceedings



- Request for Notice of Orders – Case Pending
- Petition for Temporary Guardian or Conservator (even if filed with initial petition)
- Account (assets over \$20)
- Petition for Allowance of Account (filed separately from account)

49

Examples Of Supplemental Filings In Guardianship And Conservatorship Proceedings



- Petition for Attorney Fees (filed separately from account)
- Statement and Proof of Claim
- Petition for Settlement of Personal Injury Claim
- Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending

50

Examples Of New Filings



- Summons and Complaint to Initiate Civil Action
- Petition to Establish Death of Victim of Accident or Disaster
- Petition Under Uniform Transfers to Minors Act
- Advanced Directive Proceeding
- Petition for Order to Donate Kidney by Minor
- Drain Appeal

51

Instances Where No Fee Is Charged



The Filing Party is One of the Following:

- ✓ Attorney General
- ✓ Department of Treasury
- ✓ Family Independence Agency
- ✓ State Public Administrator
- ✓ Administrator of Veterans Affairs
- ✓ County Government Agency

52

Instances Where No Fee Is Charged



- In a Guardianship or Conservatorship Proceeding Where the Moving Party is the Subject of the Proceeding
- In a Conservatorship Proceeding Where the Conservatorship is for a Minor and the Proceeding is Regarding the Release of Restricted Funds

53

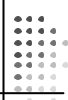
Instances Where No Fee Is Charged



- Commencement of a Proceeding Under the Mental Health Code [MCL 330.1001 to 330.2106]
- Application for Order to Compel Support of Poor Person

54

Fees That Remain Unchanged



- Demand for jury trial \$30
- Appeal from probate court \$25
- Petition for assignment of small estate \$25
- Inventory fees
- Filing of will for safekeeping \$25
- Registration of trust \$25
- Petition to open safe deposit box \$10

55

Fees That Remain Unchanged



- Issuance of a commission to take testimony \$ 7
- Performing a marriage \$10
- Secret marriage license \$ 3

56

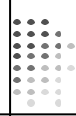
Copy and Service Fees



- Certified Copy
 - 1st page \$10
 - Each additional page \$1
- Certified Copy of Deposition \$0.03 per folio
- Taking, Certifying, Sealing, and Forwarding Deposition to Appellate Court \$5 plus \$0.10 per folio

57

Transmittal of Money



All money is transmitted to the county treasurer by the 5th of the month following collection.

General Rules

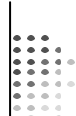


1. New case or to reopen closed case the fee is \$150*
2. Filing in an existing case a motion, petition, account, objection, or claim the fee is \$20*

* *These rules apply unless the fee was one that was noted previously as unchanged.*

59

Questions?



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**Fees, Costs, & Assessments
Collection And Transmittal
Of Fees Issues**

Rebecca Mack
Financial Analyst
State Court Administrative Office

61

October 1, 2003 Fee Changes

- Civil Filing and Motion Fees - District Court, Circuit Court, Probate Court – increases and changes in distribution
- Service Fees on Child Support Payments in the Friend of the Court – increase and change in distribution
- Civil Infraction Assessments, Misdemeanor and Felony Court Costs – new, increase and change in distribution

Let's call
SCAO!
They can help
us!



63

64

October 1, 2003 Changes

(continued)

- Do not assess the State Forensic Lab Fee \$150, DNA Sample Fee \$60 and specific civil infraction assessments (i.e. MJTF, HSF)
- Collections issues, old fees (before October 1, 2003) and new fees
- Transmittal of the fees to the state – changes
- Consider the impact of the changes to your court's revenue

65

Civil Fee Changes

- Civil filing fees in Circuit/Probate court are uniform - \$150
- District Court has tiered fees pertaining to the amount in controversy (\$25,\$45,\$65,\$150)
- All fees have distribution to the new Civil Filing Fee Fund - either in part or all
- Collections for the Civil Filing Fee Fund are reported on the Dept of Treasury Transmittal for your court - line 3, acct # 228.58

66

Civil Fees

(continued)

- Motion fees for all courts are now uniform at \$20 and have the same distribution (50% to the funding unit and 50% to the state court fund).
- When multiple motions are filed together only one fee needs to be charged.

67

Friend of the Court Service Fee

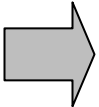
- Service and handling fee increases from \$1.25 to \$1.50.
- Additional \$.25 to be reported on the Dept of Treasury transmittal form #57 for deposit to the Attorney General's Operations Fund acct# 228.60.

68

Justice System Assessment Traffic Civil Infractions



Michigan Justice Training Fund
 Highway Safety Fund
 Secondary Road Patrol Fund
 Jail Reimbursement Fund

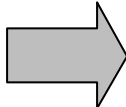

Justice System Assessment
 \$40
 \$25

69

Justice System Assessment Non Traffic Civil Infractions



State and Municipal Civil Infractions:


Justice System Assessment
 \$10

70

Civil Infractions




- Justice system assessment reported on line 5 of Dept of Treasury transmittal forms
- Minimum state costs of \$9 no longer transmitted to the state – remains local
- Eliminates a number of local trust and agency accounts (i.e. judges retirement etc...)

71

Older Case Collections



Judges Retirement
 Legislative Retirement
 Court Equity Fund
 State Court Fund (criminal)
 Highway Safety Fund
 Secondary Road Patrol
 Michigan Justice Training
 Jail Reimbursement


Justice System Fund
 (Line 5 of new transmittal)

72

State Minimum Costs Misdemeanors and Felonies



- Minimum misdemeanor court costs increased from \$9 to \$40 or \$45
- New minimum court costs for felonies \$60
- Distribution to the Justice System Fund – line 5 of the Dept of Treasury transmittal forms

73

Partial Payment Priority MCL 775.22



50% of every payment to Crime Victim Fee and Restitution

Balance applied in following order:

- ✓ Minimum state cost (\$40 or \$45)
- ✓ Other costs
- ✓ Fine
- ✓ Probation supervision
- ✓ Other assessments or payments

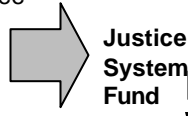
74

Older Case Collections



State Forensic Lab Fee

DNA Sample Fee



**Justice
System
Fund**

(Line 5 of new transmittal)

(Portions due to the state)

75

State Transmittal Issues



- New forms to be used for October 2003 revenue remittance
- NEW - Old forms will not be accepted by Dept of Treasury. Returned with check to the funding unit/court
- Treasury website to have a fill-able form for automatic sums and printing for submission

76

Court Revenue Issues



- Many changes to revenue – civil and criminal
- Larger portion of civil fees to local general fund
- Elimination of \$9 civil infraction costs due to state
- Larger portion of costs for misdemeanors, new felony state costs, due to state

77


Contact Information



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78

Fees, Costs, & Assessments **Jury Fees**



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79

Juror Compensation

Minimum compensation for jurors increases
October 1, 2003. MCL 600.1344

Until September 30, 2003
Minimum Compensation

\$ 7.50 for Half Day
Service

\$15.00 for Full Day
Service



As of October 1, 2003
Minimum Compensation

First Day of Service
\$12.50 for Half Day
\$25.00 for Full Day

Subsequent Days
\$20 for Half Day
\$40 for Full Day

81

Juror Compensation (continued)

- Statutory compensation is a minimum
- Minimum mileage \$.10 a mile unchanged
- First day and subsequent days refer to the term of jury service
- Jury terms are set by local jury administration plans or by local administrative order
- If a jury is continued over the October 1st implementation date, that day would be a subsequent day, higher rate

82

New Funding

- State reimbursement is provided for the increase to the statutory minimum rates (i.e. first day, \$15 to \$25, \$10 increase)
- Reimbursement will be made semi- annually
- Funding units will be responsible to report juror days (half and full) first day and subsequent days for reimbursement by April 30th and October 31st each year

83

Juror Compensation Reimbursement Fund

- Fund was created effective January 1, 2003 to receive fee revenue and to provide reimbursement for juror compensation rate increases
- Funded totally by local fee increases – increase to jury demand fees in Circuit and District Court , increase to the Driver License Clearance Fee

84

Reimbursement Fund (continued)



- Claims by all courts/funding units are tallied and reimbursement will be either for total claim (if sufficient funds) or a pro-ration if claims exceed available revenue
- In the first year, an additional 14% of claims is estimated to be disbursed to assist with local costs incurred with the change to a two rate system and local data collection issues

85

More Information



- Sample form included with this presentation
- By the first submission date, April 30, 2004 this could be a web based form on the Supreme Court web site – stay tuned

86

Contact Information



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All Jury Matters
(implementation issues, instructions, local plans etc...)

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87

88