

EFFECTIVE 10/11/22

POLICY REGARDING ACCESS TO DIVORCE COMPLAINTS

1. The Court takes judicial notice of Public Act 175 of 2022, effective October 1, 2022, which requires a complaint for divorce filed with the Court to not be made available to the public until proof of service has been filed with the Court.
2. The Court further takes judicial notice that Public ACT 175 of 2022 is specific to the complaint for the divorce only and not the divorce case file.
3. Pursuant to MCR 1.109(H)(2), “nonpublic” means that a case record is not accessible to the public.
4. A nonpublic case record is to be accessible only to the parties and to those other individuals or entities specified in statute or court rule. MCR 1.109(H)(2).
5. The OnBase System Administrator for the Circuit Court File Room shall take steps to ensure that the divorce complaints filed in the Court’s electronic document management system are not accessible to the public until a proof of service has been filed with the Court. (Proof of service includes the return of service for the complaint even if it is not specifically titled “proof of service.”)
6. If a party acknowledges service of the complaint on the record or in any filing, the Court on its own motion may cause a proof of service to be filed in the divorce case file if a proof of service has not yet been filed by the plaintiff.
7. The Circuit Court File Room Staff shall verify the identity of individuals requesting access to a confidential divorce complaint. Verification may consist of – but is not limited to - reviewing a driver’s license, state ID, or an organization ID to confirm that the requester is entitled to access to the confidential record pursuant to statute or court rule.
8. Attorneys must file an appearance to confirm that they represent a party in a divorce matter before being given access to a confidential divorce complaint.

10/11/22

Date of Signature



*Honorable Carol Montavon Bealor, Chief Judge
Cass County Courts*