

Circuit Court Fee and Assessments Table

April 2015

CIVIL FEES					
Fee or Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable ¹	Distribution
Civil Filing Fee	600.2529(1)(a)	Required ²	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Petition for Adoption	600.2529(1)(a)	Required	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Petition for Rescission of Adoption	600.2529(1)(a) 710.66	Required	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Petition for Name Change	600.2529(1)(a)	Required	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Petition for Emancipation	600.2529(1)(a)	Required	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Ancillary Conservatorship or Ancillary Guardianship (filing fee)	600.1027(1)	Required ⁴	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Appeals to Circuit Court	600.2529(1)(b)	Required ⁵	\$150	Yes ³	\$31 Funding Unit \$119 Civil Filing Fee Fund
Appeals from Circuit Court	600.2529(1)(g)	Required	\$25	Yes ³	Funding Unit
Jury Demand Fee	600.2529(1)(c)	Required	\$85	Yes ³	\$60 Funding Unit \$25 Juror Comp. Reimb. Fund
Motion Fee	600.2529(1)(e)	Required ⁶	\$20	Yes ³	\$10 Funding Unit \$10 State Court Fund
Writ of Garnishment, Attachment, Execution, or Judgment Debtor	600.2529(1)(h)	Required	\$15	Yes ³	Funding Unit

¹ Waivable for civil fees means waived or suspended pursuant to statute or court rule. For criminal and juvenile cases, waivable means dischargeable or jail or community service may be served in lieu of payment.

² 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 552.1322(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)

³ Fees can be waived or suspended pursuant to MCL 600.2529(5) or MCR 2.002.

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)

Circuit Court Fee and Assessments Table

April 2015

Discovery Subpoena					
FRIEND OF THE COURT RELATED FEES					
Fee or Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable	Distribution
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	\$80 ⁷	Yes ⁸	Friend of the Court Fund
Support Fee in an action in which support of minor children is to be determined	600.2529(1)(d)(ii)	Required ⁹	\$40 ⁷	Yes ⁸	Friend of the Court Fund
Order of Filiation Fee	722.717(4) 333.2891(9)(a)	Required	\$59	No	\$9 Funding Unit \$50 Department of Community Health
Friend of the Court Service Fee ¹⁰ (non-IV-D services)	600.2538(1)	Required	\$3.50 per month ¹¹	No	\$2.25 Funding Unit \$1.00 State Court Fund \$0.25 Attorney General's Operations Fund
Bench Warrant Costs - Support	552.631(3)	Required, except for good cause shown on record	Costs of hearing, issuance of warrant, arrest, and any later hearings	Yes	50% Friend of the Court Fund 50% County Treasurer for Law Enforcement Agency
Bench Warrant Costs – Parenting time violations	552.644(5)	Required, except for good cause shown on record	Costs of hearing, issuance of warrant, arrest, and any later hearings	No ¹²	50% Friend of the Court Fund 50% County Treasurer for Law Enforcement Agency
Fines – Contempt in support proceedings	552.633(1)(g) 552.635(2)(d)	Discretionary	\$100 maximum	Yes	Friend of the Court Fund

⁷ To be paid at the time of filing.

⁸ Can be waived or suspended pursuant to MCL 600.2529(6) and MCR 2.002. If the person filing an action under subsection (1)(d) is a public officer acting in his or her official capacity, if the order is submitted with the initial filing as a consent order, or other good cause is shown, the court shall order the fee under subsection (1)(d) waived or suspended.

⁹ This fee does not apply if Custody and Parenting Time Fee for custody or parenting time is paid.

¹⁰ FOC service fees are collected and distributed by the state MISDU.

¹¹ Payable monthly, quarterly, or semiannually as required by the friend of the court.

¹² Costs ordered under subsection (5) is a judgment at the time the order is entered. MCL 552.644(7)

Circuit Court Fee and Assessments Table

April 2015

FRIEND OF THE COURT RELATED FEES

Fee or Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable	Distribution
Fines – Contempt for parenting time violations	552.644(2)(d)	Discretionary	\$100 maximum	No ¹³	County Treasurer for Libraries
Sanction – Parenting time disputes (against party acting in bad faith)	552.644(6)	Required	\$250 max for 1 st time \$500 max for 2 nd time \$1000 max for subsequent times	No ¹⁴	Friend of the Court Fund
Driver License Clearance Fee (FOC suspensions)	257.321c(3)(b)	Required	\$45	No	\$15 Secretary of State \$30 Friend of the Court Fund

¹³ A fine ordered under subsection (2) is a judgment at the time the order is entered. MCL 552.644(7)

¹⁴ A sanction ordered under subsection (6) is a judgment at the time the order is entered. MCL 552.644(7)

Circuit Court Fee and Assessments Table

April 2015

CRIMINAL ASSESSMENTS					
Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable¹	Distribution
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	As reflected in authorizing statute; When not fixed by underlying statute of the offense: \$500 maximum for misdemeanor \$5000 maximum for felony	No if required, otherwise yes	County Treasurer for Libraries
Court Costs	445.377(1) 750.159j(2) 769.1k(1)(b)(ii) 769.1k(1)(b)(iii)	Discretionary	As reflected in authorizing statute; Costs under MCL 769.1k(1)(b)(iii) must be reasonably related to actual costs incurred without separately calculating those costs involved in a particular case. Actual costs include, but are not limited to, salaries and benefits for relevant court personnel, goods and services necessary for the operation of the court, and necessary expenses for the operation and maintenance of court buildings and facilities.	Yes	Funding Unit
Costs of Prosecution	Underlying statute of the offense 771.3(2)(c)	Either – as reflected in authorizing statute	Costs are limited to expenses specifically incurred in prosecuting the defendant ¹⁵	No if required, otherwise yes	Presumably the unit of government that incurred the costs
Attorney Fees	MCR 6.005(C) 769.1k(1)(b)(iv)	Discretionary		Yes	Funding Unit

¹⁵ “When authorized, the costs of prosecution imposed ‘must bear some reasonable relation to the expenses actually incurred in the prosecution.’” *People v Dilworth*, 291 Mich App 399, 401 (2011) (citation omitted). “Furthermore, those costs may *not* include ‘expenditures in connection with the maintenance and functioning of governmental agencies that must be borne by the public irrespective of specific violations of the law.’” *Id.* at 401 (citation omitted). The trial court record must “set[] forth [the] basis for [the] computation [of costs]. . . [and must] disclose an adequate basis therefor.” *People v Wein*, 382 Mich 588, 592 (1969).

Circuit Court Fee and Assessments Table

April 2015

CRIMINAL ASSESSMENTS					
Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable	Distribution
Minimum State Cost	769.1j(1) 769.1k(1)(a) 771.3(1)(g)	Required if two other assessments are ordered	Minimum amounts assessed per count, based upon conviction: \$50 – misdemeanor \$68 – felony	No ¹⁶	Justice System Fund
Crime Victim’s Rights Assessment	771.3(1)(f) 780.905	Required for felony or misdemeanor convictions	One assessment per case, based upon conviction: \$75 – misdemeanor \$130 – felony	No	90% Crime Victim’s Rights Fund 10% Funding Unit
Restitution	750.543x 769.1a(2) 769.3 769.34(6) 771.3(1)(e) 780.766(2) 780.826(2)	Required	Required to order <u>each</u> defendant to make full restitution. Since <u>each</u> defendant is required to pay full restitution but should not pay more than the full amount of restitution, the defendants are jointly and severally liable for the entire restitution amount.	No	Victim or Crime Victim’s Rights Fund if victim cannot be located or refuses to claim restitution ¹⁷
Reimbursement	750.543x 769.1f 769.1g 769.1k(1)(b)(vi)	Either – as reflected in authorizing statute	Reimbursement limited to expenses identified in MCL 769.1f and 769.1g	No	Unit(s) of government named in the order
Driver License Clearance Fee	257.321a	Required	\$45	No	\$15 Secretary of State \$15 Juror Compensation Reimbursement Fund \$15 Funding Unit
20% Late Penalty	600.4803(1)	Required	20% of amount owed, excluding restitution; assessed 56 days after due date	Yes	Funding Unit
Costs to Compel Appearance	769.1k(2)	Discretionary		Yes	Funding Unit

¹⁶ A probationer not in willful default of payment may petition the court for remission of any unpaid portion of minimum state cost, pursuant to MCL 771.3(6)(b).

¹⁷ 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’s Rights Fund on its monthly transmittal to the state.

Circuit Court Fee and Assessments Table

April 2015

JUVENILE ASSESSMENTS						
Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable¹	Assessed to	Distribution
Fines	712A.18(1)(j) Underlying ordinance or law of the offense	Discretionary	As reflected in authorizing ordinance or law	Yes	Juvenile	Statute Violation – County treasurer for libraries Ordinance Violation - 1/3 to political sub. whose ordinance was violated; 2/3 to funding unit
Minimum State Cost	712A.18(1)(b) 712A.18(18) 712A.18m(1)	Required if two other assessments are ordered	Minimum amounts assessed per count, based upon adjudication: \$50 – misdemeanor \$68 – felony	No ¹⁸	Juvenile	Justice System Fund
Crime Victim’s Rights Assessment	712A.18(12) 780.905(3)	Required if offense adjudicated is a felony or misdemeanor	One assessment per dispositional order, based upon adjudication: \$25 for felony or misdemeanor	No	Juvenile	90% Crime Victim’s Rights Fund 10% Funding Unit
Restitution	712A.18(7) 712A.30(2) 712A.30(15) 780.766(15) 780.794(2) 780.794(15)	Required	Required to order <u>each</u> juvenile to make full restitution. Since <u>each</u> juvenile is required to pay full restitution but should not pay more than the full amount of restitution, the juveniles are jointly and severally liable for the entire restitution amount.	No – Juvenile Yes – Parent(s)	Juvenile Parent(s) having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based	Victim or Crime Victim’s Rights Fund if victim cannot be located or refuses to claim restitution ¹⁹

¹⁸ A juvenile not in willful default of payment may petition the court for remission of any unpaid portion of Minimum State Cost, pursuant to MCL 712A.18(19).

¹⁹ 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’s Rights Fund on its monthly transmittal to the state.

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April 2015

JUVENILE ASSESSMENTS						
Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable	Assessed to	Distribution
Reimbursement for cost of care and services	712A.18(2) 712A.18(3) 769.1(7)	Required for cost of care Discretionary for cost of service pursuant to MCL 712A.18(3)		Yes	Juvenile Parent(s) Guardian Custodian	Funding Unit: 25% to offset administrative cost of collections ²⁰ 75% Child Care Fund divided in same ratio to county, state, and federal government that participate in cost of care
Attorney Fees	712A.18(5) 769.1(8)	Discretionary		Yes	Juvenile Parent(s) Guardian Custodian	Funding Unit
20% Late Penalty	600.4803	Required	20% of amount owed, excluding restitution and cost of care; assessed 56 days after due date	Yes	Juvenile Parent(s) Guardian Custodian	Funding Unit

²⁰ Child support collected for a child in foster care is not reimbursement pursuant to MCL 712A.18. See SCAO Administrative Memorandum 2008-01.

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April 2015

GENERAL FEES AND ASSESSMENTS

Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable¹	Distribution
Interpretation Costs	MCR 1.111(F)(5)	Discretionary	Party must be financially able to pay pursuant to MCR 1.111(A)(3)	Yes	Funding Unit
NSF Check Costs	MCR 8.106(E)	Discretionary		Yes	Funding Unit

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, consent calendar and diversion cases).