

Probate Court Fees

*by Lisa Langton
Family Division Administrator -
Probate/Juvenile Register*



Due to several recent amendments to statutes and court rules on court fees, I thought it would be helpful to review the various case-processing fees, service fees and copying charges.

There are many instances where no fee will be charged. Those instances include:

- Where the petitioner or moving party is indigent or has the inability to pay. The court may waive these fees based upon the petitioner's affidavit. [MCL 600.880d; MCR 2.002]
- The Attorney General, Department of Treasury, Department of Human Services, State Public Administrator, Administrator of Veterans Affairs and county government agencies are not required to pay filing fees. [MCL 600.880(4); 880a(2); 880b(4)]
- There are no fees when a petition to commence a proceeding is brought under the Mental Health Code. [MCL 330.1001 to 330.2106]

Another significant change came with the revision of MCR 2.119(G)(2), which now requires only one motion fee for all motions filed at the same time in an action, regardless of the captions. Further, MCR 2.119(G)(3)(d) prohibits a motion fee "if the motion is filed at the same time as another document in the same action as to which a fee is required." Accordingly, if more than one document is filed at the same time, only one motion fee is owed.

Please note, however, that a filing fee is always collected on an account regardless of the number of accounts filed at the same time, since an account is not considered a motion. Likewise, any other document filed at the same time as an account in the same action would not be charged a filing fee.

Below please find a list of the copy and service fees charged in Probate Court:

- Certified copy of Letters of Authority [MCL 600.2546]
Certification Fee: \$10.00
Each page: \$1.00

- Certified copy of Deposition [MCL 600.874(1)(c); 600.887]
\$.03 per folio
- Taking, certifying, sealing and forwarding deposition to appellate court [MCL 600.874(1)(c); 600.887]
\$5.00 plus \$.10 per folio
- Any other certified copy of any other paper [MCL 600.2546]
Certification fee: \$10.00
Each page: \$1.00

There are also several miscellaneous matters that the Probate Court handles where there are applicable fees. This list includes:

- Petition to Open a Safe Deposit Box [MCL 700.2517(2)(a)]
\$10.00
- Will Filed for Safekeeping [MCL 600.880c(2)]
\$25.00
- Performance of a Marriage [MCL 600.874(1)(a); 600.877]
\$10.00
- Secret Marriage License [MCL 551.202]
\$3.00
- Motion and Order for Delayed Registration of Foreign Birth [MCL 600.880(1); 333.2830]
\$150.00
- Petition to Establish Death of Victim of Accident or Disaster [MCL 600.880(1); 700.1208]
\$150.00
- Petition Under Uniform Transfers to Minors Act [MCL 600.880(1)]
\$150.00
- Drain Appeal [MCL 280.72(3)][MCL 600.880(1)]
\$150.00
- Advanced Directive Proceeding [MCL 600.880(1)]
\$150.00
- Petition for Order to Donate Kidney by Minor [MCL 700.5105][MCL 600.880(1)]
\$150.00

In upcoming articles I will outline case-processing fees for your information. Stay tuned!