



FREQUENTLY ASKED QUESTIONS REGARDING E-FILING

1. What is e-Filing?

E-Filing, or electronic-filing, is the electronic submission of court documents and other information through a software program that can be accessed through an electronic device with Internet access. The current e-Filing system in Michigan is [MiFILE](#). MiFILE allows filers to submit their court documents 24-hours a day online. MiFILE is not currently available in every Michigan court, but statewide implementation has begun. You should visit a court's website and see the [MiFILE Schedule](#) to learn about whether the survivor's court uses MiFILE.



2. Does the survivor have to e-File?

The courts that currently use e-Filing in Michigan have different rules as to who must e-File (only attorneys, or both attorneys and self-represented individuals).¹ In some courts, e-Filing for non-attorneys is optional at this time. However, there are a number of circuit courts that already require all to e-File for certain case types. If a court requires e-Filing for all, the court must provide computer access for a number of hours, an e-Filing workstation, and e-Filing assistance. Because statewide e-Filing is still a work in progress it is important to check with the survivor's court to determine the court's e-Filing requirements.

Eventually, e-Filing will be available in all jurisdictions across Michigan.

Helpful Hint:

At the time of this publication, the Circuit courts for Wayne, Oakland, Macomb, and Ottawa counties require all filers to e-File.

If the survivor does wish to e-File, keep in mind that the survivor may not be able to submit or serve all their court documents electronically. For example, many MiFILE courts allow a survivor to submit a Personal Protection

Order (PPO) request electronically. However, the survivor is **not able to serve notice** of this PPO to their abuser electronically. Personal service is required. Additionally, a court may require only certain forms or court documents be submitted electronically and have the electronic submission of other documents be optional. For example, a court

¹ MCR 1.109(G)(3)(f).

may require e-Filing for all later filings but not require e-Filing to begin a case. Thus, it is important to check with the survivor's court to determine your e-Filing options and requirements.

3. How much will it cost the survivor to e-File?

The survivor can create an account on MiFILE free of charge. However, depending on what documents are being filed, the survivor will have to pay an e-Filing fee in addition to the other fees associated with the survivor's case. The additional e-Filing fees include...

- \$25 for civil actions filed in the Supreme Court, Court of Appeals, circuit court, court of claims, and probate court
- \$10 for civil actions filed in the district court
- \$20 for civil actions filed in the district court if a claim for money damages is joined with some other claim for relief
- \$5 for civil actions filed in a district court's small claims division

The survivor will have to pay the electronic filing fee even if the survivor does not e-File. These listed fees are currently set to expire on December 31, 2020.



If the survivor cannot afford to pay the filing fee(s) and meets certain requirements, the survivor may be allowed to have the filing fee(s) waived. Please consult the [Michigan Legal Help Do-It-Yourself Fee Waiver](#) guide for assistance on applying for a fee waiver.

Michigan's current e-Filing fees are set to expire on Dec. 31, 2020. However, Michigan may choose to pass a rule implementing these fees beyond this date or changing the amount currently charged.

4. What are some steps the survivor can take to protect their privacy and safety while e-Filing?

There are certainly safety and privacy concerns that the survivor will want to consider before e-Filing. A number of these concerns center around the abuser being able to track the survivor's e-Filing submissions and illegally delete and/or change the survivor's electronic documents, files, and emails. Consider sharing these tips with the survivor:

- If using a personal device reset the device to factory settings before use, to uninstall any spyware or surveillance software an abuser may have put on your device to monitor and track your device use.
- If you are worried about your abuser tracking your e-Filing submissions through your personal electronic devices, consider using one of the publicly provided e-Filing workstations.

- To e-File, you must create a MiFILE account by providing a valid email address. Do not use an e-mail address that you currently share with the abuser or that is not secure.
- There are a number of steps you can take to protect your email security...
 - ✓ Use a two-step verification process, which requires a verification code to be sent to your phone or other device every time you log into your email account.
 - ✓ Always log out of your email account.
 - ✓ Do not use the same password for different accounts.
 - ✓ Change your password regularly.
 - ✓ Use a strong password (i.e. a password containing numbers, symbols, capitals, etc.). Do not use meaningful words, names, or dates that someone else is likely to know as your password.
- E-Filing also means electronic notifications about your court documents. These notifications can come via email or text. Choose what notification method is best for you while also considering what method your abuser will least likely be able to access.
- If you choose to receive e-Filing notifications via text, make sure that you will have continuous access to your cellphone and cell service. If your cell service is turned off, even temporarily, you may not receive important court notifications.

Helpful Hint:
An abuser does not need physical access to the survivor's electronic devices to install spyware or surveillance software. The abuser may be able to install such software via the Internet. Thus, if the survivor's devices are connected to the Internet, the survivor may be having their online activities secretly monitored by their abuser.



Beginning in January 2021, you may seek to have information such as the survivor's address excluded from public access.

- If you choose to get notifications via email, make sure that you have the ability to regularly check your email for notifications and that you do regularly check your email.

Currently the courts offer little protection to the survivor's personal information submitted via e-Filing. Greater security will be given to such information after January 1, 2021 when certain personal identifying information (i.e. social security number, date of birth) will be excluded from public access and protected by the court.² However, other information such as the survivor's telephone number and home address will not be protected. To protect the survivor's safety, you may request to have this additional information be made confidential by filing a motion with the court demonstrating just cause.³

² MCR 1.109(D)(9)(a) (effective Jan. 1, 2021).
³ MCR 1.109(D)(9)(b)(vii) (effective Jan. 1, 2021).

The survivor should have a secure and safe place they can visit to e-File. Michigan Legal Help has a number of [Self-Help Centers](#) across Michigan that offer a safe environment the survivor could visit to get help and e-File their documents. If you are interested in creating a Self-Help Center of your own to support survivors with e-Filing and other matters, please contact MCEDSV's Survivor Law Clinic slc@mcedsv.org.

5. If e-Filing is mandatory at the survivor's court, is there any possibility the survivor can be excused from e-Filing?

Yes, even if e-Filing is required by the survivor's court, the survivor can seek an e-Filing exemption by submitting a motion to the court showing good cause.⁴ The court will

Helpful Hint:
The SCAO provides a number of e-Filing approved forms. SCAO approved forms can be found by going to the Michigan Courts website and selecting the State Court Administrative Office under the Administration tab. The SCAO then gives you the option to search its court forms.

consider whether the survivor has reliable access to the Internet, whether the survivor has access to e-Filing software from a device in [her/his] home or another reasonable place, the survivor's technical ability, safety concerns, and other relevant factors in its determination of whether or not the survivor has good cause to be excused from e-Filing. For an example or template of how this motion may look, please see the attached document.

It is important to note that the Michigan Court Rules do make reference to an e-Filing exemption form approved by the State Court Administrative Office (SCAO).⁵ Currently, at the time of this publication, a SCAO approved e-Filing exemption form is not available.

In limited circumstances, the survivor will not have to demonstrate good cause for exemption. These limited circumstances include if the survivor has a disability that will prevent use of the e-Filing system, lacks proficiency in the English language that would hinder their ability to understand e-Filing, is in jail or is confined in some other government establishment, or has been committed to a medical or mental health facility. These are the **only** situations where good cause would not have to be demonstrated for an e-Filing exemption.⁶

If the survivor submits a motion for an exemption, they should be notified of the court's decision within two business days. The exemption is valid for the entirety of the case. If the exemption is granted the survivor must not register or log into MiFILE. Subsequent e-Filing registration or access will waive the survivor's e-Filing exemption.

⁴ MCR 1.109(G)(3)(g).

⁵ MCR 1.109(G)(3)(i)(i).

⁶ MCR 1.109(G)(3)(h).



For more information about these provided answers or additional information about e-Filing, please see the following sources:

Michigan Legal Help at <https://michiganlegalhelp.org/self-help-tools/e-filing>.

E-Filing Courts in Michigan at <https://courts.michigan.gov/Administration/admin/Documents/MiFILE/MiFILECourtList.pdf>.

Michigan Courts: MiFILE Filer Information at <https://courts.michigan.gov/Courts/trialcourts/mifile/filer-information/Pages/default.aspx>.

Michigan Courts: MiFILE Statewide e-Filing Initiative at <https://courts.michigan.gov/Courts/trialcourts/mifile/courtclerkinformation/Pages/Court-Rules-eFiling-Standards.aspx>.

Michigan Court Rules at <https://courts.michigan.gov/courts/michigansupremecourt/rules/pages/current-court-rules.aspx>.

Bright Horizons: How Victims of Domestic Violence Can Use Tech to Protect Themselves at <https://brighthorizonsne.org/2019/08/how-victims-of-domestic-violence-can-use-tech-to-protect-themselves/>.