

## COA Opinion: While some court records may be sealed, a court order or opinion cannot be sealed.

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After a divorce, a former wife sought and received a personal protection order that prohibited her ex-husband from contacting her, following her, or otherwise appearing in her sight. The ex-husband apparently obeyed the order, and when it expired after two years, he filed a motion asking the court to vacate the order and to seal the court file (because he believe the order would show up in background checks and harm his efforts to get a job). The trial court held that it lacked the authority to seal the court order and denied his request.

In *Jenson v. Puste*, No. 292731 (Oct. 21, 2010), the Court of Appeals affirmed, concluding that [MCR 8.119\(F\)\(5\)](#) precluded sealing the order. While MCR 8.119(F)(1) allows the sealing of “court records” if certain criteria are met (including that the movant show good cause and that no less restrictive means would suffice), MCR 8.119(F)(5) specifically addresses court orders or opinions and provides that “[a] court may not seal a court order or opinion.” This more specific rule applicable to court order and opinions (which are a specific type of court record) controlled, and its plain language, the Court of Appeals concluded, prohibits sealing a court order.