


# **Welcome to Caseload Reporting for Family Division**



# Handouts

- Caseflow Management Guide, including:
  - Michigan Supreme Court Administrative Order 2003-7
  - Model LAO for Caseflow Management Plan
- Training Manual, including:
  - Reporting Forms and Instructions
  - Case Type Codes
  - Other Materials
- Detailed information as presented ---  
to be distributed at end of session

# Training Outline

- General Reporting Requirements
  - Critical Events in Reporting
  - Calculating Age and Computing Time
  - Validating Data Submitted to SCAO
  - Your Role in Caseflow Management
  - Identifying Meaningful Events
  - Time Requirements
  - Impediments to Timely Scheduling
  - Local Case Management Reports
  - Preparing for 2005
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# **Caseload Reporting Requirements for the Family Division**

## **Part 4:**

**Case Age at Disposition  
Pending Case Age**



# Time Guidelines

- Michigan Supreme Court Administrative Order 2003-7
  - Entered December 2, 2003
  - Effective January 1, 2004
  - Preceded by 1991-04, effective June 25 1991 and rescinded January 1, 2004
- Caseflow Management Plan
  - Due December 1, 2004

Caseflow management and time guidelines is not new. The original Order (1991-4) acknowledged the need for predictability for court users and pointed out the responsibility of the judiciary to improve the just resolution of matters and to reduce unreasonable delays. The current Order (2003-7) replaces 1991-4. It includes new categories of cases and accommodates jurisdictional changes in the Michigan trial court structure (i.e. the family division of circuit court). Some history on these changes is in the Caseflow Management Guide. Your system providers will be programming the requirements of 2003-7 so you can generate Part 4. The data in Part 4 comes from the case specific information you enter on a daily basis into your case management system (to be discussed in detail later). Initiation and disposition points will also be discussed in more detail later (see the time guidelines in Appendix A).

While many of the guidelines are not new, tracking and reporting them is new. Output reports will be created by SCAO to portray compliance with time guidelines based on the data submitted in Part 4. These output reports will be available on the Caseload Reporting System but can only be generated for a full reporting year. SCAO will provide system providers with the formula used in these output reports for programming local case management systems to produce these same output reports. The reports will show pending case age and case age at disposition for each case type including the percentage compliance with the time guidelines. It is recommended the reports be generated and reviewed by the courts monthly. Details will be discussed later.

# Reporting Categories

- Pending Cases as of December 31 of each reporting year, starting in 2005
- Disposed Cases January 1 – December 31 of every reporting year, starting in 2005
- Separate statistics for each case type code (32)

The reporting requirements for the time guidelines are outlined in Michigan Supreme Court Administrative Order 2003-7 (effective January 1, 2004) and Part 4, Sections E, F, G, H, and I of the Caseload of Michigan Trial Courts, Reporting Forms and Instructions for Circuit Court. See Appendix A for copies. Unless you are a manual court, your system providers will be programming the requirements so that you can generate Part 4 from your case management system for submission to the State Court Administrative Office.

In summary, the courts must report, by case type, the age of all cases pending at the end of each reporting year and the age of all cases disposed during each reporting year. **Exception:** In child protective and delinquency cases, courts must report the age of pending and disposed petitions for each child.

# Report Submission

- With 4<sup>th</sup> Quarter caseload Parts 1 and 2 after December 31 of every reporting year, starting in December of 2005
- Deadline to report: January 30, starting in 2006 and every year thereafter

Reports are to be submitted to the State Court Administrative Office annually in the 4<sup>th</sup> quarter. Data submitted is for the entire year.

# Reporting by Bar Number

- Each judge reported separately
- Cases/Petitions assigned to a referee are reported under the judge's bar number

A separate report must be submitted for each judge (including those cases that are handled by referees). This means that if Judge A has 20 cases, 10 of which have been assigned to a referee, then those 20 cases are reported under Judge A's bar number.

When cases from a judge's caseload are assigned to a judge of another court by the SCAO, the court must still report them; however, it is at their discretion whether they report assigned cases under the bar number of the original judge or under the bar number of the assigned judge. Do not report them under both. If you choose to report them under the bar number of the judge to whom they were assigned, that judge's bar number must be added to your system even though he or she is not with your court.



# Reporting Method

- Manual
  - Enter a number for each case type code in each field (1 judge court = 238 fields)
- Electronic Upload
  - Contact your local Information Systems/Data Processing Department for assistance

Courts are encouraged to upload the data because of the number of fields that are required. There are 238 fields for this report and they will be need to be reported for every judge.

Information about the file format for uploading is located in the Caseload of Michigan Trial Courts, Reporting Forms and Instructions for Circuit Court. A copy has been reproduced in Appendix B. If your case management system is maintained by JIS, a file for uploading will be produced for you when you generate your report from your case management system. Other case management systems also produce a file for uploading. Contact your system provider to find out if this is done and how to go about uploading the file.

## Initiation and Disposition Points

- Initiation points are specified by Michigan Supreme Court Administrative Order 2003-7
- Adjudication and disposition points are defined in the caseload reporting instructions

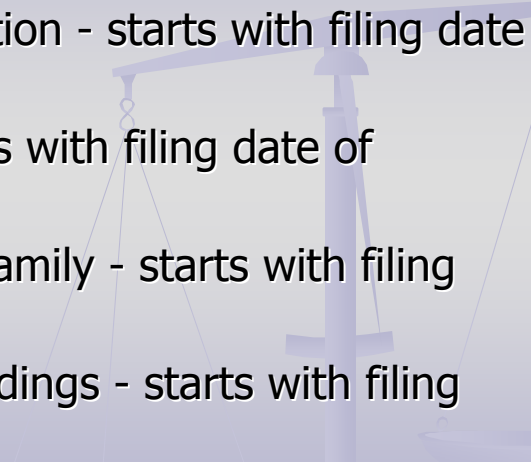
Initiation points for calculating time to “disposition” are specified by Michigan Court Administrative Order 2003-7, whereas adjudication and disposition points are defined in Part 4 of the caseload reporting instructions. **See Appendix A for a copy of the caseload forms and instructions.**

Except for NA and DL case types, disposition points for Part 4 are as defined in Part 2, which is the method of adjudication. With NA and DL case types, the disposition point for Part 4 is the date of entry of the original order of disposition.

## More Initiation Points

- Child Protective and Delinquency - starts with date petition is **authorized**
- Designated - starts with designation date
- Traffic and Ordinance - starts with appearance date
  - first hearing date
  - payment date

## More Initiation Points

- Personal Protection - starts with filing date of petition
  - Adoption - starts with filing date of petition
  - Miscellaneous Family - starts with filing date of petition
  - Ancillary Proceedings - starts with filing date of petition
- 

## Critical Events for Reporting

- Delinquency (DL)
  - Date petition authorized
  - Date of entry of original order of disposition or other dispositive order
  - Placement status of child at disposition or on December 31 if petition not disposed
  - Date of inactive status, if one (as defined in Part 2)
  - Date petition reopened (as defined in Part 1)

These are critical events for reporting. While caseload management entails much more than reporting compliance with time guidelines to SCAO, if nothing else, the court must have dates for these events entered into their case management systems in order to produce Part 4.

NOTE: There will be instances where a case will have an age beyond the time guidelines due to factors outside of the court's control. One example is when a delinquent, who has been left in the home on probation at adjudication, violates probation and is subsequently removed from the home before disposition. If the removal was done after the disposition time frame for juveniles who are detained (taken out of the home), it will already be past the time guidelines.

Inactive status for a DL case is defined in Part 2, Section E, Line 12 as follows: when either a warrant or a FAC suspension has been issued for nonappearance before adjudication or when a juvenile is committed to the Department of Community Health for treatment after a finding of incompetency to stand trial within the time period established by law.

**See Appendix A for a copy of the caseload forms and instructions.**

## More Critical Events for Reporting

- Traffic and Ordinance (TL)
  - Date of first appearance (as defined in Part 4)
  - Date of entry of original order of disposition or other dispositive order
  - Date of inactive status, if one (as defined in Part 2)
  - Date citation reopened (as defined in Part 1)

Inactive status for a TL case is defined in Part 2, Section E, Line 12 as follows: when either a warrant or a FAC suspension has been issued for nonappearance before adjudication or when a juvenile is committed to the Department of Community Health for treatment after a finding of incompetency to stand trial within the time period established by law.

**See Appendix A for a copy of the caseload forms and instructions.**

## More Critical Events for Reporting

- Designated (DJ)

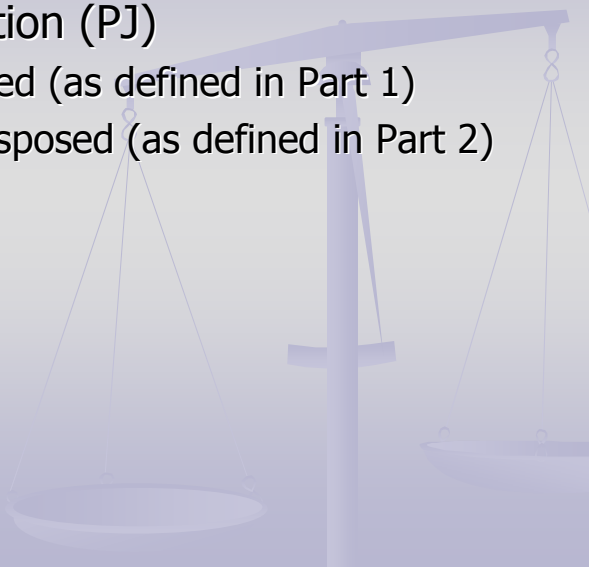
- Date case designated (as defined in Part 4)
- Date case disposed (as defined in Part 2)
- Date of inactive status, if one (as defined in Part 2)
- Date case reopened (as defined in Part 1)

Inactive status for a DJ case is defined in Part 2, Section E, Line 12 as follows: when a warrant has been issued for nonappearance before adjudication or when a juvenile is committed to the Department of Community Health for treatment after a finding of incompetency to stand trial within the time period established by law.

**See Appendix A for a copy of the caseload forms and instructions.**

## More Critical Events for Reporting

- Personal Protection (PJ)
  - Date petition filed (as defined in Part 1)
  - Date petition disposed (as defined in Part 2)



**See Appendix A for a copy of the caseload forms and instructions.**



## More Critical Events for Reporting

- Child Protective (NA)
  - Date petition authorized
  - Date of entry of original order of disposition or other dispositive order
  - Placement status of child at disposition or on December 31 if petition not disposed
  - Date petition reopened (as defined in Part 1)

NOTE: There will be instances where a case will have an age beyond the time guidelines due to factors outside of the court's control. One example is when a child who has been left in the home at adjudication, but who is removed from the home before disposition after an emergency removal hearing. If the removal was done after the disposition time frame for children in out-of-home placement, it will already be past the time guidelines.

**See Appendix A for a copy of the caseload forms and instructions.**

## More Critical Events for Reporting

- Adoption (AB, AC, AD, AF, AG, AM, AN, AO, AY)
  - Date petition filed (as defined in Part 1)
  - Date petition disposed (as defined in Part 2)
  - Date petition reopened (as defined in Part 1)

**See Appendix A for a copy of the caseload forms and instructions.**

## More Critical Events for Reporting

- **Miscellaneous Family** (EM, ID, NB, NC, PH, PP, PW)
  - Date petition filed (as defined in Part 1)
  - Date petition disposed (as defined in Part 2)
  - Date petition reopened (as defined in Part 1)

**See Appendix A for a copy of the caseload forms and instructions.**

## More Critical Events for Reporting

- Ancillary Proceedings

(CA, CY, DD, GA, GL, GM, LG, PO, JA, MI)

- Date petition filed (as defined in Part 1)
- Date petition disposed (as defined in Part 2)

**See Appendix A for a copy of the caseload forms and instructions.**

# Calculating Age

- Case age at disposition - number of days from initiation point to disposition point, less any time on inactive status
- Case age at disposition for reopened cases - number of days from initiation point to disposition point, less time between last disposition date and reopen date as well as time on inactive status
- Inactive status applies only to DL, TL, and DJ case types

For cases disposed during a reporting year, time (case age at disposition) is calculated by determining the number of days from the initiation point to the disposition point as defined by the specifications in Part 4, less any time the case was on inactive status.

Except for DL and NA petitions, when calculating the age of a case that has been reopened after being adjudicated (disposed), subtract the time from the original adjudication (disposition) to the reopen date.

## More on Calculating Age

- Pending case age - number of days from initiation point to December 31, less any time on inactive status
- Pending case age for reopened cases -number of days from initiation point to December 31, less any time between last disposition date and reopen date as well as time on inactive status
- Inactive status applies only to DL, TL, and DJ case types

For cases pending at the end of a reporting year, time (pending case age) is calculated by determining the number of days from the initiation point to December 31, less any time the case was on inactive status (see Deductions from Case Age).

Except for DL and NA petitions, when calculating the age of a case that has been reopened after being adjudicated (disposed), subtract the time from the original adjudication (disposition) to the reopen date.

# Computing Time

## MCR 1.108(1)

- The day of the act, event, or default is **not** included.
- The last day of the period **is** included, **unless** it is a Saturday, Sunday, legal holiday, or holiday on which the court is closed pursuant to court order.

MCR 1.108(1) states that “The day of the act, event, or default after which the designated period of time begins to run is **not** included. The last day of the period **is** included, **unless** it is a Saturday, Sunday, legal holiday, or holiday on which the court is closed pursuant to court order; in that event the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or holiday on which the court is closed pursuant to court order.”

## More on Computing Time

- Subtract time case was out of court's control on **valid** inactive status
- Delays caused for any reason other than inactive status as defined in Part 2 shall not be subtracted

When calculating the age of a case that has been reopened after being on inactive status, subtract the time that particular case was out of the court's control on inactive status. Delays caused for any reason other than inactive status as defined in Part 2, shall not be subtracted from the time.



# Multiple Reporting

- Filed and disposed, reopened and disposed again in same reporting year
  - Report twice on “case age at disposition” report lines
- Filed and disposed and reopened in same reporting year, but pending on December 31
  - Report once on “case age at disposition” report lines
  - Report once on “pending case age” report lines

It is possible for a case to be reported more than once in a reporting year. For example, if a case is filed and disposed, reopened and disposed again within a reporting year, it would be reported twice in the “case age at disposition” report lines. Or if a case is filed and disposed and reopened within a reporting year and is still pending at the end of that reporting year, it would be reported once in the “case age at disposition” report lines and once in the “pending case age” report lines.

# Data Check

- Pending Designated, Personal Protection, Adoption, and Miscellaneous Family
  - $\text{Part 1} - \text{Part 2} = \text{Part 4}$
- Disposed
  - $\text{Part 2} - (\text{Inactive} + \text{Case Type Change}) = \text{Part 4}$
- CRS has a feature to calculate this after data is uploaded or manually entered
  - Unacceptable differences will be highlighted
  - Correct unacceptable differences

There is a relationship between Part 1 and 2 reports and Part 4 reports for DJ, PJ, adoption, and miscellaneous family division case type codes. The definitions for new filings, reopened filings, and adjudications (methods of disposition) that apply to Part 1 and 2 also apply to Part 4. In addition, the cases reported adjudicated (disposed) in Part 2 (except for VP cases) should equal the total cases reported adjudicated (disposed) in Part 4 (less those disposed by methods inactive status or case type change) and ending pending cases that are calculated from data provided in Parts 1 and 2 (except VP cases) should equal the total cases reported pending in Part 4.

There will be a data check feature on CRS that should be run after submitting Part 4. This data check will calculate the difference and percent difference between Part 4 and Parts 1 and 2 **for each case type code**. For Case Age at Disposition, the calculation is:  $\text{Part 2 dispositions} - \text{inactive status} - \text{case type change} = \text{Part 4 dispositions}$ . For Pending Case Age, the calculation is:  $\text{Part 1 beginning pending} + \text{new filings} + \text{reopened cases} - \text{Part 2 total dispositions} = \text{Part 4 pending}$ . An acceptable difference is 2 cases for each case type except when 2 cases is less than 5% of the total of that case type. If the difference is greater than 2 cases or is less than 5%, you must determine where the error occurred (either incorrect data entry into CRS or problem with local case management system) and correct the data. **Those case types requiring correction will be highlighted.** For example: if Part 2 dispositions equals 250 and Part 4 dispositions equals 240, the difference is 10. Although it is more than 2 cases, 10 divided by 250 is only 4%, so the 10 cases is an acceptable difference.

There is no relationship between Part 1 and 2 reports and Part 4 reports for DL, TL, and NA case type codes. In Parts 1 and 2, the number of petitions filed and adjudicated are being reported, whereas, in Part 4, the number of children for whom a petition has been authorized and both adjudicated and disposed is being reported.

Inactive status is defined in Part 2 of the caseload instructions. Cases on inactive status are not adjudicated and are not to be reported on either the Pending Case Age report or the Case Age at Disposition report. Once a case that has been on "inactive status" qualifies for reporting as "reopened" based on the instructions in Part 1, it must be reported on the case age reports as either pending or disposed according to its status as of December 31 of the report year. When calculating the age of a case that has been on inactive status, subtract the time that particular case was out of the court's control on inactive status.


Case dispositions referred to as "Case Type Change" are not reported in Part 4 since they are not adjudications of the case.

## Other Time Frames

- Prescribed by statute and court rule
- Impact ability to meet disposition time guidelines, ASFA requirements, and permanent placement for children
  - Interim Event Standards
    - Take place before adjudication
  - Post-Judgment Time Standards
    - Take place after adjudication

The time guidelines represent only adjudication (and disposition) time frames. There are many other events and time frames that courts should monitor beyond the time guidelines. The time guidelines represent only the outlying time frame for disposition. There are many interim event standards which take place before disposition that are prescribed by statute and court rule. There are also many post-judgment time standards prescribed by statute and court rule. Both the interim event and post-judgment time standards are essential in meeting the disposition time guidelines, ASFA requirements, and, in some situations, permanent placement/adoption for children. (For examples of some of these interim event and post-judgment time standards, see the tables of time and notice requirements for delinquency and child protective proceedings in Appendix C; tables are not available for other family division case types).

For more information on time standards, see pages 11 through 13 of the Caseflow Management Guide.



# How Does Part 4 Caseload Reporting Fit into Caseflow Management?

# Caseflow Management Plan

- Review caseflow management plan
  - Goals and time standards
  - Policies for scheduling, adjournments, final pretrial conferences
  - Alternative Dispute Resolution (mediation, case evaluation, etc.)
  - Standard pretrial scheduling orders
  - Procedure for trial scheduling/management
  - Case progress monitoring features
  - Reports
  - Implementation

A caseflow management plan is a court's plan for actively overseeing the progress of all cases filed in that court. Its primary purpose is to prevent delay in case processing and it is used to implement and maintain caseflow management. See Chapter 2 of the Caseflow Management Guide.

You should review your own court's caseflow management plan to determine (1) the overall goals of your court and the time standards adopted beyond those required by Mich Sup Ct AO 2003-7; (2) the scheduling policy; (3) the adjournment policy; (4) whether alternative dispute resolution will be used; (5) whether standard pretrial scheduling orders are required; (6) the policy for final pretrial conferences; (7) the procedure for trial scheduling and management; (8) how the case management system will monitor case progress; (9) what reports will be available for measuring pending inventory, delay, activity, and scheduling practice; and (10) how and when the caseflow management plan is going to be implemented.

Once you are familiar with your own court's plan, case management policies and procedures, and the reports that are available, generate the following basic reports to determine the condition of your caseload: (1) **Pending Inventory Report** - at a minimum, this report should show the number of cases pending by case type and their age; (2) **Case Age at Disposition Report** - at a minimum, this report should show number of disposed cases by case type and their age at disposition. It should contain at least 1 year of data; (3) **Open Cases Report** - at a minimum, this report should show a list of all open cases in order of age starting with the oldest, case number, party names, case initiation date, case status, nature and date of last action, and next scheduled action.

With these three reports, you will be able to tell fairly quickly whether your court is experiencing difficulty meeting time guidelines and you can begin to identify cases that need immediate attention. For more information about these reports, see page 5 of the Caseflow Management Guide.

For more information about caseflow management plans, see Chapter 4 of the Caseflow Management Guide. A Model Local Administrative Order for the Caseflow Management Plan is provided in the appendix of that Guide.

# Your Role in Caseflow Management

- Take control of case progress from the time it is filed
- Monitor case progress until closed
- Primary responsibilities
  - Recordkeeping
  - Screening
  - Assigning and Scheduling

Whether your court has problems with caseflow management or not, a court must have a caseflow management plan in place to adequately supervise case progress. The court should take control of the progress of a case from the time it is filed and should continue to monitor that progress until the case is closed.

Depending on the type of case and the complexity of that case, this monitoring can be as simple as making sure that it is scheduled for disposition within the time frame outlined in the time guidelines. However, most case types have a number of interim events that must be monitored before disposition, and some case types have a number of post-disposition events that must be monitored. This monitoring is what can help the court meet prescribed time guidelines.

For example, by scheduling conferences, preliminary hearings, trials, ADR sessions, disposition hearings, and motions within the time frames required by court rules and statutes and implementing a strict adjournment policy, a court will often dispose of cases within the disposition time guidelines. For details about date certainty, setting trial dates, controlling adjournments, and monitoring meaningful events, see pages 14 through 25 of the Caseflow Management Guide.

The primary responsibilities of case processing staff are recordkeeping, screening, and assigning and scheduling. By having a caseflow management plan, it makes it easier to schedule court dates, it is easier to know when an attorney is abusing the court's adjournment policy, it allows you to evaluate the job you and your judge(s) are doing, and it gives you back-up when you schedule.

# More on Your Role in Caseflow Management

- Recordkeeping
  - Accuracy and timeliness critical
  - Information used to screen, evaluate, monitor, and dispose cases
  - Inaccurate or untimely recorded information may delay disposition

Accuracy and timeliness in recording case information is critical to caseflow management since this information is used to screen, evaluate, monitor, and dispose of cases. Inaccurate or untimely recorded information may delay disposition. It will also often result in: (1) events not being scheduled because the triggering event or document was not entered; or (2) errors in computing and submitting statistical management information.

Coordination is necessary between the court clerk staff responsible for initiating and maintaining records and the personnel charged with evaluating and assessing filings. The court clerk staff should have knowledge about the court's case screening procedures so that they can identify problems with information at the time of filing.

Assignment procedures should produce timely assignment of cases and should take into account the calendaring system (master versus individual). Records must provide for scheduling of pretrial conferences and trials within established time frames.

In order to keep adequate records, screen cases appropriately, and schedule cases timely, staff should decide what events are meaningful for each case type and determine how they will monitor those events. Many of these events take place at stages such as case initiation, case screening, scheduling conferences, discovery, motion practice, trial management, and post-disposition management. Identify the types of events that occur in each of these stages and determine the methods you will use to monitor those events, what will be done to ensure they occur as timely as possible, and what reports can be generated that will help in managing each case.

# More on Your Role in Caseflow Management

## ■ Screening Cases

- Coordination necessary between court clerk staff and screening personnel
- Knowledge of case screening procedures necessary by court clerk staff to identify problems with information at filing

Coordination is necessary between the court clerk staff responsible for initiating and maintaining records and the personnel charged with evaluating and assessing filings. The court clerk staff should have knowledge about the court's case screening procedures so that they can identify problems with information at the time of filing.

For more information about screening, see pages 9, 10, 20, 21, and 27 of the Caseflow Management Guide.



# More on Your Role in Caseflow Management

- Assigning and Scheduling Cases
  - Timely assignment procedures
  - Records must provide for scheduling within established time frames
  - Organizational structure can affect assignment and scheduling procedures
    - Master calendar
    - Individual calendar

Assignment procedures should produce timely assignment of cases and should take into account the calendaring system (master versus individual). Records must provide for scheduling of pretrial conferences and trials within established time frames.

For more information about scheduling, see pages 14 through 18, 21 through 24, and 28 of the Caseflow Management Guide.

# Meaningful Events

- Determine meaningful events by case type
  - Case initiation and screening
  - Scheduling conferences
  - Discovery and motion practice
  - Trial management
  - Post-disposition management
- Know your scheduling requirements

In order to keep adequate records, screen cases appropriately, and schedule cases timely, staff should decide what events are meaningful for each case type and determine how they will monitor those events. Many of these events take place at stages such as case initiation, case screening, scheduling conferences, discovery, motion practice, trial management, and post-disposition management. Identify the types of events that occur in each of these stages and determine the methods you will use to monitor those events, what will be done to ensure they occur as timely as possible, and what reports can be generated that will help in managing each case.

For example, in the post-disposition management stage, NA cases where a child has been removed from the home will require that review hearings be held in 91 day increments from the date of the original order of disposition. The review hearing is the meaningful event. In order to ensure that the review hearings are scheduled and held timely, a useful feature of the case management system would be the ability to compute deadline dates for the review hearings upon entry of the date of the original order of disposition into the system. Another example of a meaningful event that should be monitored is the permanency planning hearing.

In addition, some sort of scheduling order and a strict adjournment policy would help to ensure the review hearings are actually held before or on those "deadline" dates as applicable. This "deadline dates" report/function could then be placed in the file for future scheduling purposes.

This "deadline dates" report will become most useful in the event one of the review hearings is held late (perhaps because of an adjournment); when the judge or referee sets the next review hearing date (which will be less than 91 days), he or she will already have a date that represents the latest date that should be used in order to meet statutory and court rule time requirements.

If this concept of computing deadline dates is expanded to the entire case, a scheduling worksheet could be generated at the initiation point of the time guidelines calculation for a given case which calculates the date upon which each event must occur in order for the case to be adjudicated (and disposed, as appropriate) within the time guidelines. This worksheet could be the basis for a scheduling order.

For more information on identifying and monitoring meaningful events, see pages 18 through 25 and 28 through 36 of the Caseflow Management Guide.

# Time Requirements in Scheduling

- Delinquency, Traffic and Ordinance, and Child Protective
  - Preliminary Hearing; MCR 3.935, MCL 712A.11, MCR 3.965
  - Waiver Hearing; MCR 3.950
  - Trial; MCR 3.942, MCR 3.972
  - Dispositional Hearing; MCR 3.943, MCR 3.973, MCL 712A.19a(2)
  - Rehearings/New Trial; MCR 3.992
  - Probation Violation Hearing; MCR 3.944

See Appendix D for copies of court rules and statutes.

# More Time Requirements

- Delinquency, Traffic and Ordinance, and Child Protective continued
  - Dispositional Review; MCR 3.945, MCR 3.946, MCL 712A.19(2), MCL 712A.18c(3), MCR 3.974, MCR 3.975, MCL 712A.19(3)-(5)
  - Permanency Planning; MCR 3.976, MCL 712A.19a(1)
  - Termination of Parental Rights; MCR 3.977, MCL 712A.19b(1)-(2)
  - Post Termination Review Hearing; MCR 3.978, MCL 712A.19c(1)
  - Review of Referee Recommendations; MCR 3.991

See Appendix D for copies of court rules and statutes.

# More Time Requirements

- Designated
  - Arraignment; MCR 3.951
  - Designation Hearing; MCR 3.952
  - Preliminary Examination; MCR 3.953
  - Trial; MCR 3.954
  - Review Hearing; MCR 3.956

See Appendix D for copies of court rules and statutes.

# More Time Requirements

- Personal Protection
  - Issuance of Order; MCR 3.705
  - Preliminary Hearing on Violation; MCR 3.985
  - Violation Hearing; MCR 3.987
  - Dispositional Hearing; MCR 3.988

See Appendix D for copies of court rules and statutes.

# More Time Requirements

## ■ Adoption

- Hearing to determine custody of child in temporary placement; MCL 710.23e(1)
- Motion that decision to withhold consent was arbitrary and capricious; MCL 710.45(4)
- Examine report of investigation; MCL 710.51
- Order of adoption; MCL 710.56

See Appendix D for copies of court rules and statutes.

# More Time Requirements

## ■ Miscellaneous Family

- Name change; none
- Personal protection order; MCR 3.705, MCL 600.2950(14), MCL 600.2950a(11)
- Infectious Disease; MCR 3.614, MCL 333.5205(5), MCL 333.5207(3)
- Emancipation; none
- Safe Delivery of Newborn; none
- Waiver of Parental Rights; MCR 3.615, MCL 722.904
- Contempt Proceedings, PPOs; MCR 3.708

See Appendix D for copies of court rules and statutes.



# More Time Requirements

- Ancillary Proceedings

## Estates and Protected Individuals Code (EPIC)

- Guardianships
- Conservatorships
- Protective Proceedings

## Mental Health Code

### Mental Health Code

- Mental Illness Proceedings
- Judicial Admission

These are most often handled by the probate court. For details about processing, contact the probate court or see probate court training materials.

# Impediments to Timely Scheduling



- Backlogs
  - Delays processing daily work
  - Volume of adjournments
- Procedures
  - Unnecessary workflow
  - Waiting for reports (i.e. psychological evaluations, FIA, or private agency)
  - Communication problems with attorneys to confirm dates
- General calendar
- Approval to schedule required from another person (judge, judicial secretary, etc.)

Add notes here.

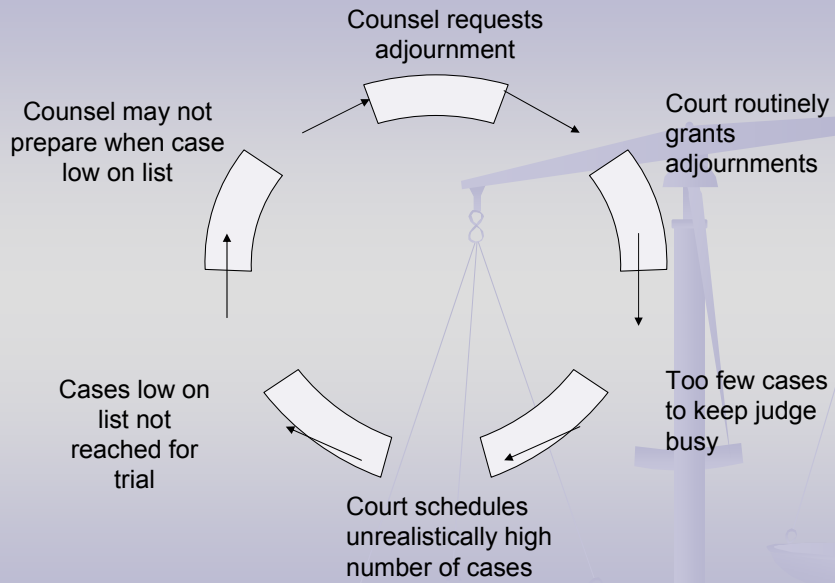
# Adjournments

- MCR 2.503, MCR 3.923(G), MCL 710.25, MCL 712A.17
- Attorney unavailable
- Foster care worker unavailable
- Witness unavailable
- Court Rule not followed
  - MC 309, Motion and Order for Adjournment

Event date certainty is when a court event occurs on the first date scheduled. Achieving event date certainty should be a primary goal of a case scheduling system. Adjournments often impede the court's ability to achieve event date certainty, and the court plays a significant role in the number of adjournments that occur. Through a lenient adjournment policy, attorneys and others will perceive a lack of court commitment to event date certainty and may adjust their practices accordingly. The result may be that counsel will be unprepared and will seek adjournments. Through a restrictive adjournment policy, attorneys and others will discern the court is serious about event date certainty and will be prepared.

MCR 2.503, MCR 3.923(G), and MCL 710.25 make it clear that adjournments of trial or hearings should be granted only for good cause. For juvenile and child protective cases, this policy is more restrictive by MCL 712A.17, which says: . . . "In addition to a factual finding of good cause, the court shall not adjourn the hearing or grant a continuance unless 1 of the following is also true: (a) The motion for the adjournment or continuance is made in writing not less than 14 days before the hearing. (b) The court grants the adjournment or continuance upon its own motion after taking into consideration the child's best interests. An adjournment or continuance granted under this subdivision shall not last more than 28 days unless the court states on the record the specific reasons why a longer adjournment or continuance is necessary." For more information on court control of adjournments, see pages 16 through 18 of the Casflow Management Guide. Copies of the court rules and MC 309 are in Appendix E.

## The Adjournment Dilemma



Adapted from: Maureen Solomon, Caseflow Management in the Trial Court, ABA, 1973

# Performance Indicators

- Measures of Delay
  - Pending Case Age and Case Age at Disposition
    - Analyze scheduling practices
    - Identify information system errors
    - Measure performance from one period to another
    - Manage cases proactively
    - Monitor time between events to control progress

The types of caseflow management reports are outlined on Pages 28 through 36 of the Caseflow Management Guide. Of most use are reports of performance indicators such as inventory measures and measures of delay. Inventory reports provide a snapshot of all pending cases and discloses cases for which no next action or review dates have been set. By measuring changes in the pending inventory from one reporting period to another, the court can determine whether it is meeting some of its processing goals. Measures of delay are portrayed through pending case age and case age at disposition reports. The most significant measure of delay is the pending case age report because the disposition of those cases can still be affected. While the case age at disposition report will indicate whether the court met time guidelines or not, it is less useful for management purposes because the cases are already disposed and are less affected by changes in the caseflow management system. Measures of delay can be used to analyze scheduling practices, to identify information system errors, to measure performance from one period to another, to manage cases proactively, and to monitor and control case progress. Sample reports are in Appendix F.

**Pending Inventory and Pending Case Age:** The pending inventory report shows the number of cases pending by case type. It can help identify pending cases for which no next action or review dates have been set. A very useful pending inventory report is one that contains the case number, case status, case age, last activity, next activity, number of adjournments and reasons for adjournments, and compliance with deadlines. When the case age is included, the report can be used to measure delay; it is especially helpful to break down the pending cases by major case type. It is extremely important that these reports be generated frequently because the court can still have an impact on the processing time of these cases before disposition.

**Case Age at Disposition Report:** The case age at disposition report is used to provide information about how timely they disposed of their cases. It is not as useful as the above reports, because it is historical information. However, it can help the court in identifying case types and even certain stages in case processing where possible delays occur provided it is generated on at least a quarterly basis, but monthly generation of this report is ideal so that problems with overall court practices and system errors can be resolved before the problem gets out of hand and a backlog is created. In order to identify the causes of delays, the reports will need to contain measures of delay in addition to the age of the case at disposition. For example, the report should contain the cases disposed by case type, number of adjournments, time between case events, and the age of the cases at disposition.

There are many other reports which help the court measure and evaluate various aspects of caseflow management. These reports are generally used by management to measure rates of certain events such as number of adjournments within certain types of cases, changes in number of filings or number of types of dispositions, and number of cases scheduled for trial that actually went to trial. Over time, reports such as these can reveal trends that will help the court plan its resource needs.

# More Performance Indicators

- Measures of Activity
  - Aggregate filings and dispositions by case type code
    - Number of trials, pleas, dismissals, dispositional hearings
    - Number of adjournments
  - Clearance rate

Activity measures do not show where delay is occurring or might occur. Their usefulness should be justified before the effort is made to produce them since it can be a time consuming effort. The most useful activity measures are those that portray system rates such as number of cases that go to trial in comparison to the total cases, or the number of adjournments at various stages of case processing (i.e. filing to disposition, trials, etc.) or per case/event and the reason for adjournments. For more details on activity measures, see pages 31 through 35 of the Caseflow Management Guide.

**Clearance Rates Report:** Clearance rates are calculated by dividing the number of cases filed by the number of cases disposed. These rates should be calculated for distinct groups of cases such as adoptions, child protective, delinquency, etc. to identify sources of a caseflow management problem. A rate of 100% indicates the court is keeping up with its current caseload, a rate greater than 100% indicates the court is reducing a pending caseload, and a rate less than 100% indicates a pending caseload is being created or increasing.

# More Performance Indicators

- Case Scheduling Measures
  - Cases scheduled for a specific calendar and period
  - Number of pleas before trial
  - Number that went to trial
  - Number of adjournments, by whom, reason
  - Number still pending
- Evaluation of procedures against goals
  - Requires information prior to changes

See also discussion in the Caseflow Management Guide, pages 35-36.

Case scheduling measures portray the need for changes in the scheduling system in order to achieve event date certainty. This measure is most useful when it contains the number of cases scheduled for a specific calendar and period and classified by the number that were adjudicated before trial or that went to trial, with number of adjourned at the request of counsel and the number adjourned because of unavailability of judge, then held over to later dates, and disposed. A trial probability report is also helpful in determining the likelihood of trials in certain kinds of cases. For more details on case scheduling measures, see pages 35 and 36 of the Caseflow Management Guide. A sample form for computing trial calendar analysis and available judge days is provided in Appendix G.

Evaluation measures should be based on the goals of the caseflow management plan. If the plan includes a goal to reduce the time between adjudication and disposition, then the time between adjudication and disposition must be measured in the evaluation. For comparative purposes, this same measure should be applied to the period before introducing the new procedure that is intended to reduce this time as well as to the period after the new procedure has been implemented.

**Discuss local court reports brought by participants.**

# More Performance Indicators

- Case Management Reports
  - Time Guidelines Reports
    - Percentage of cases disposed and pending by case type code calculated based upon total cases available during the time period.

See examples of SCAO output reports in Appendix F.



# Preparing for 2005 Reporting

- Make sure your system provider is programming the necessary changes
- Ask your system provider to set up a file for uploading caseload data
- Conduct a Pending Inventory
  - Conclude by December 31, 2004
  - Ensure no case exists without a next action date
  - Update all records to reflect current status
  - Schedule next event where appropriate
- Conduct a Pending Inventory only if court is NOT regularly reviewing available case management reports

See Appendix H for copies of letters to the courts about conducting a pending inventory and about the ability of the case management system to accurately report information for Part 4 Caseload Reporting. A pending inventory may not be necessary if the court is REGULARLY reviewing case management reports available from its system. However, if reports are not run regularly and cases corrected, scheduled, etc. accordingly, an inventory is extremely valuable.

## An Exercise For You...

Using the reports available to you, identify cases which need attention. Determine what your course of action should be.

After you've completed, can you think of any policies or procedures that could help you improve the progress of cases towards disposition?

## Contact Information:

Amy Byrd

[byrda@courts.mi.gov](mailto:byrda@courts.mi.gov)

517-373-4864

Amy Byrd – caseload reporting

[byrda@courts.mi.gov](mailto:byrda@courts.mi.gov)

Laura Hutzel – data analysis

[hutzell@courts.mi.gov](mailto:hutzell@courts.mi.gov)

# Order

Entered: December 2, 2003

ADM File No. 2003-23

Administrative Order 2003-7  
Caseflow Management Guidelines

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Michigan Supreme Court  
Lansing, Michigan

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

On order of the Court, notice of the proposed order and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, this administrative order is adopted, effective January 1, 2004.

The management of the flow of cases in the trial court is the responsibility of the judiciary. In carrying out that responsibility, the judiciary must balance the rights and interests of individual litigants, the limited resources of the judicial branch and other participants in the justice system, and the interests of the citizens of this state in having an effective, fair, and efficient system of justice.

Accordingly, on order of the Court,

- A. The State Court Administrator is directed, within available resources, to:
  - 1. assist trial courts in implementing caseflow management plans that incorporate case processing time guidelines established pursuant to this order;
  - 2. gather information from trial courts on compliance with caseflow management guidelines; and
  - 3. assess the effectiveness of caseflow management plans in achieving the guidelines established by this order.
- B. Trial courts are directed to:
  - 1. maintain current caseflow management plans consistent with case processing time guidelines established in this order, and in cooperation with the State Court Administrative Office;
  - 2. report to the State Court Administrative Office caseflow management statistics and other caseflow management data required by that office; and

3. cooperate with the State Court Administrative Office in assessing caseload management plans implemented pursuant to this order.

On further order of the Court, the following time guidelines for case processing are provided as goals for the administration of court caseloads. These are only guidelines and are not intended to supersede procedural requirements in court rules or statutes for specific cases, or to supersede reporting requirements in court rules or statutes.

Note: The phrase "adjudicated" refers to the date a case is reported in Part 2 of the caseload report forms and instructions. Aging of a case is suspended for the time a case is inactive as defined in Parts 2 and 4 of the caseload report forms and instructions. Refer to these specific definitions for details.

Probate Court Guidelines.

1. *Estate, Trust, Guardianship, and Conservatorship Proceedings.* 75% of all contested matters should be adjudicated within 182 days from the date of the filing of objection; 90% within 273 days; and 100% within 364 days except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.
2. *Mental Illness Proceedings; Judicial Admission Proceedings.* 90% of all petitions should be adjudicated within 14 days from the date of filing and 100% within 28 days.
3. *Civil Proceedings.* 75% of all cases should be adjudicated within 364 days from the date of case filing; 95% within 546 days; and 100% within 728 days except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.
4. *Miscellaneous Proceedings.* 100% of all petitions should be adjudicated within 35 days from the date of filing.

### District Court Guidelines.

1. *Civil Proceedings.*
  - a. General Civil. 90% of all general civil and miscellaneous civil cases should be adjudicated within 273 days from the date of case filing; 98% within 364 days; and 100% within 455 days except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.
  - b. Summary Civil. 100% of all small claims, landlord/tenant, and land contract actions should be adjudicated within 126 days from the date of case filing except, in those cases where a jury is demanded, actions should be adjudicated within 154 days from the date of case filing.
2. *Felony, Misdemeanor, and Extradition Detainer Proceedings.*
  - a. Misdemeanor. 90% of all statute and ordinance misdemeanor cases, including misdemeanor drunk driving and misdemeanor traffic, should be adjudicated within 63 days from the date of first appearance; 98% within 91 days; and 100% within 126 days.
  - b. Felony and Extradition/Detainer. 100% of all preliminary examinations in felony, felony drunk driving, felony traffic, and extradition/detainer cases should be commenced within 14 days of arraignment unless good cause is shown.
3. *Civil Infraction Proceedings.* 90% of all civil infraction cases, including traffic, nontraffic, and parking cases, should be adjudicated within 35 days from the date of filing; 98% within 56 days; and 100% within 84 days.

### Circuit Court Guidelines.

1. *Civil Proceedings.* 75% of all cases should be adjudicated within 364 days from the date of case filing; 95% within 546 days; and 100% within 728 days except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.
2. *Domestic Relations Proceedings.*

- a. Divorce Without Children. 90% of all divorce cases without children should be adjudicated within 91 days from the date of case filing; 98% within 273 days; and 100% within 364 days.
  - b. Divorce With Children. 90% of all divorce cases with children should be adjudicated within 245 days from the date of case filing; 98% within 301 days; and 100% within 364 days.
  - c. Paternity. 90% of all paternity cases should be adjudicated within 147 days from the date of case filing and 100% within 238 days.
  - d. Responding Interstate for Registration. 100% of all incoming interstate actions should be filed within 24 hours of receipt of order from initiating state.
  - e. Responding Interstate Establishment. 90% of all incoming interstate actions to establish support should be adjudicated within 147 days from the date of case filing and 100% within 238 days.
  - f. Child Custody Issues, Other Support, and Other Domestic Relations Matters. 90% of all child custody, other support, and other domestic relations issues not listed above should be adjudicated within 147 days from the date of case filing and 100% within 238 days.
3. *Delinquency Proceedings.* Where a minor is being detained or is held in court custody, 90% of all original petitions or complaints should have adjudication and disposition completed within 84 days from the authorization of the petition and 100% within 98 days. Where a minor is not being detained or held in court custody, 75% of all original petitions or complaints should have adjudication and disposition completed within 119 days from the authorization of the petition; 90% within 182 days; and 100% within 210 days.
4. *Child Protective Proceedings.* Where a child is in out-of-home placement (foster care), 90% of all original petitions should have adjudication and disposition completed within 84 days from the authorization of the petition and 100% within 98 days. Where a child is not in out-of-home placement (foster care), 75% of all original petitions should have adjudication and disposition within 119 days from the authorization of the petition; 90% within 182 days; and 100% within 210 days.

5. *Designated Proceedings.* 90% of all original petitions should be adjudicated within 154 days from the designation date and 100% within 301 days. Minors held in custody should be afforded priority for trial.
6. *Juvenile Traffic and Ordinance Proceedings.* 90% of all citations should have adjudication and disposition completed within 63 days from the date of first appearance; 98% within 91 days; and 100% within 126 days.
7. *Adoption Proceedings.*
  - a. Petitions for Adoption. 90% of all petitions for adoption should be finalized or otherwise concluded within 287 days from the date of filing and 100% within 364 days.
  - b. Petitions to Rescind Adoption. 100% of all petitions to rescind adoption should be adjudicated within 91 days from the date of filing.
8. *Miscellaneous Family Proceedings.*
  - a. Name Change. 100% of all petitions should be adjudicated within 91 days from the date of filing.
  - b. Safe Delivery. 100% of all petitions should be adjudicated within 273 days from the date of filing.
  - c. Personal Protection. 100% of all petitions filed ex parte should be adjudicated within 24 hours of filing. 90% of all petitions not filed ex parte should be adjudicated within 14 days from the date of filing and 100% within 21 days.
  - d. Emancipation of Minors. 100% of all petitions should be adjudicated within 91 days from the date of filing.
  - e. Infectious Diseases. 100% of all petitions should be adjudicated within 91 days from the date of filing.
  - f. Parental Waiver. 100% of all petitions should be adjudicated within 5 days from the date of filing.



9. *Ancillary Proceedings.*

- a. Guardianship and Conservatorship Proceedings. 75% of all contested matters should be adjudicated within 182 days from the date of filing; 90% within 273 days; and 100% within 364 days.
- b. Mental Illness Proceedings; Judicial Admission. 90% of all petitions should be adjudicated within 14 days from the date of filing and 100% within 28 days.

10. *Criminal Proceedings.* 90% of all felony cases should be adjudicated within 91 days from the date of entry of the order binding the defendant over to the circuit court; 98% within 154 days; and 100% within 301 days. Incarcerated persons should be afforded priority for trial.

11. *Appellate, Administrative Review, and Extraordinary Writ Proceedings.*

- a. Appeals from Courts of Limited Jurisdiction. 100% of all appeals to circuit court from courts of limited jurisdiction should be adjudicated within 182 days from the filing of the claim of appeal.
- b. Appeals from Administrative Agencies. 100% of all appeals to the circuit court from administrative agencies should be adjudicated within 182 days from the filing of the claim of appeal.
- c. Extraordinary Writs. 98% of all extraordinary writ requests should be adjudicated within 35 days from the date of filing and 100% within 91 days.

12. *Matters Submitted to the Judge.* Matters under submission to a judge or judicial officer should be promptly determined. Short deadlines should be set for presentation of briefs and affidavits and for production of transcripts. Decisions, when possible, should be made from the bench or within a few days of submission; otherwise a decision should be rendered no later than 35 days after submission.

Administrative Order No. 1991-4 is rescinded.

Staff Comment: In response to jurisdictional changes in the courts and changes in court rules and statutes, Administrative Order 2003-7, adopted December 2, 2003, to be effective January 1, 2004, updated caseflow management guidelines originally created by Supreme Court Administrative Order No. 1991-4.

The staff comment is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 2, 200<sup>7</sup>3

Corbin R. Davis

Clerk

[Administrative Order Number]  
[Date]

[LOCAL COURT LETTERHEAD]

Administrative Order [year] – [number]

**CASEFLOW MANAGEMENT PLAN**

**IT IS ORDERED:**

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2003-7, effective January 1, 2004.

**A. Goals of the Court**

The Court adopts the following Caseflow Management Plan to:

1. expedite the disposition of all cases in a manner consistent with fairness to all parties;
2. minimize the uncertainties associated with processing cases;
3. assure equal access to the adjudicative process for all litigants;
4. ensure the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society; and
5. enhance the quality of litigation.

**B. Case Processing Time Standards**

The Court adopts time standards for case processing as follows:

*[by jurisdiction(s)]*

**1. [Circuit, Probate, District] Court Guidelines**

**a. [Circuit, Probate, District] Case Processing Goals**

The Court adopts the time guidelines as set forth in Administrative Order 2003-7.

**b. Circuit Interim Processing Time Goals [optional]**

- 1) *Civil Proceedings – [insert interim goals and target date]*
- 2) *Domestic Relations Proceedings*
  - (a) *Divorce Without Children – [insert interim goals and target date]*
  - (b) *Divorce With Children – [insert interim goals and target date]*
  - (c) *Paternity – [insert interim goals and target date]*
  - (d) *Responding Interstate for Registration – [insert interim goals and target date]*
  - (e) *Responding Interstate Establishment – [insert interim goals and target date]*
  - (f) *Child Custody Issues, Other Support, and Other Domestic Relations Matters – [insert interim goals and target date]*
- 3) *Delinquency Proceedings – [insert interim goals and target date]*
- 4) *Child Protective Proceedings – [insert interim goals and target date]*
- 5) *Designated Proceedings – [insert interim goals and target date]*
- 6) *Juvenile Traffic and Ordinance Proceedings – [insert interim goals and target date]*
- 7) *Adoption Proceedings*
  - (a) *Petitions for Adoption – [insert interim goals and target date]*
  - (b) *Petitions to Rescind Adoption – [insert interim goals and target date]*

- 8) *Miscellaneous Family Proceedings*
  - (a) *Name Change – [insert interim goals and target date]*
  - (b) *Safe Delivery – [insert interim goals and target date]*
  - (c) *Personal Protection – [insert interim goals and target date]*
  - (d) *Emancipation of Minors – [insert interim goals and target date]*
  - (e) *Infectious Diseases – [insert interim goals and target date]*
  - (f) *Parental Waiver – [insert interim goals and target date]*
- 9) *Ancillary Proceedings:*
  - (a) *Guardianship and Conservatorship Proceedings – [insert interim goals and target date]*
  - (b) *Mental Illness Proceedings – [insert interim goals and target date]*
  - (c) *Judicial Admission – [insert interim goals and target date]*
- 10) *Criminal Proceedings – [insert interim goals and target date]*
- 11) *Appellate, Administrative Review, and Extraordinary Writ Proceedings:*
  - (a) *Appeals from Courts of Limited Jurisdiction – [insert interim goals and target date]*
  - (b) *Appeals from Administrative Agencies – [insert interim goals and target date]*
  - (c) *Extraordinary Writs – [insert interim goals and target date]*

- 12) *Matters Submitted to the Judge – Matters under submission to a judge or judicial officer should be promptly determined. Short deadlines should be set for presentation of briefs and affidavits and for production of transcripts. Decisions, when possible, should be made from the bench or within a few days of submission; otherwise a decision should be rendered no later than 35 days after submission.*

***Probate Interim Processing Time Goals [optional]***

- 1) *Estate, Trust, Guardianship, and Conservatorship Proceedings – [insert interim goals and target date]*
- 2) *Mental Illness Proceedings – [insert interim goals and target date]*
- 3) *Judicial Admission – [insert interim goals and target date]*
- 4) *Civil Proceedings – [insert interim goals and target date]*
- 5) *Miscellaneous – [insert interim goals and target date]*

***District Interim Processing Time Goals [optional]***

- 1) *Civil Proceedings:*
  - (a) *General Civil – [insert interim goals and target date]*
  - (b) *Summary Civil – [insert interim goals and target date]*
- 2) *Felony, Misdemeanor, and Extradition Detainer Proceedings:*
  - (a) *Misdemeanor – [insert interim goals and target date]*
  - (b) *Felony and Extradition/Detainer – [insert interim goals and target date]*
- 3) *Civil Infraction Proceedings – [insert interim goals and target date]*

***c. Differentiated Case Management System [optional]***

*The Court adopts a differentiated case management system that*

*provides for similar type cases to be tracked with specific time constraints. [Insert specific information about case differentiation and related time guidelines.]*

### **C. Scheduling Policy**

The Court adopts a scheduling policy whereby all cases or contested matters will be set in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of set times. This includes early and continuous control of all cases from case initiation through post-disposition through the use of:

1. appropriate case screening;
2. scheduling orders and conferences for the purpose of achieving date certainty;
3. management of discovery and motion practice;
4. realistic setting of trial dates and time limits; and
5. court control of adjournments in compliance with MCR 2.503(B) for the purpose of achieving date certainty.

Cases and contested matters will be continually reviewed to ensure that no case exists for which a future action or review date has not been set by the Court. Scheduling will be done in accordance with the time guidelines set forth in Administrative Order 2003-7. No case or contested matter will be permitted to remain on this Court's docket in excess of the guidelines set forth by AO 2003-7 without an immediate review or without the Court setting forth the reasons for an extension and setting new limits. *or* [insert scheduling policy explaining how the court will adequately supervise case progress in accordance with the time guidelines set forth in Administrative Order 2003-7]

### **D. Adjournment Policy**

The Court adopts the adjournment policy set forth in MCR 2.503(B), as follows:

1. Unless the Court allows otherwise, a request for an adjournment must be by verified and written motion based on good cause shown. All requests for adjournment will be decided by the judge or his or her designee. Adjournments granted will be classified and tracked based on the reason given.

2. A motion for adjournment must state: a) which party is requesting the adjournment; b) the reason for it; and c) whether other adjournments have been granted in the proceeding and, if so, the number granted.
3. The entitlement of a motion for adjournment must specify whether it is the first, or a later request, e. g., “Plaintiff’s Request for Third Adjournment.”
4. At the time a proceeding is adjourned, the proceeding must be rescheduled for a specific date and time.
5. In granting an adjournment, the Court may impose costs and conditions. Costs may be taxed summarily to be paid on demand of the adverse party or the adverse party’s attorney, and the adjournment may be vacated if nonpayment is shown by affidavit.

**E. Alternative Dispute Resolution**

The Court promotes the use of alternative means with which to resolve disputes. Litigants will be provided with all available information regarding area dispute resolution and counseling centers. [Optional - insert specific programs and alternatives utilized (such as mediation, case evaluation, etc.)]

**F. Pretrial Scheduling Orders**

[insert court procedure]

**G. Settlement or Final Pretrial Conferences**

Every action that is not disposed of through mediation, case evaluation, or other means, will be scheduled for a settlement conference in accordance with MCR 2.401. Persons with authority to settle the case, including the parties to the actions, agents of the parties, representatives of lien holders, or representatives of insurance carriers shall be present at the conference, or with approval of the Court, immediately available at the time of the conference via telecommunications. *or* [insert court policy and procedure]

**H. Trial Scheduling and Management**

[insert court procedure – (for example: Trial dates shall be set at the calendar conference. To avoid future scheduling conflicts, attorneys must be able to confirm their trial date availability at the conference.)]



## **I. Monitoring Systems**

The case management system of the Court will, at a minimum, provide the capability to:

1. monitor case progress;
2. generate various reports for measuring pending inventory, delay, activity, and scheduling practices; and
3. generate reports showing compliance with time guidelines.

[Insert specific reports the court will develop and/or make available from the case management system in order to effectively monitor caseflow, how they will assist the court in monitoring cases, and how frequently they will be run.]

*[Recommended:*

Specific reports which will be available from the case management system are cases with no next action date, age of pending cases, number of cases pending over time standards by judge, age of cases at each event, age of cases at disposition, adjournment rate, time intervals between events, and exception reports.]

## **J. Implementation**

To successfully implement and achieve the goals of this Plan, the Court will develop

1. policy level commitment from the Bench to the concept and plan; and
2. consult with internal and external stakeholders as needed for guidance and assistance during the implementation process.

[Insert other court processes and procedures the court will use to effectively implement its caseflow management plan.]

*[Recommended:*

The implementation of this Plan will create a period of increased scheduling as cases come into the system after the implementation date. This may require a plan to temporarily increase judicial resources within the jurisdiction.]

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Chief Judge

Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (x) Registration of Income Withholding Orders [UW]. All incoming registrations of another state's orders for the specific purpose of income withholding under the Uniform Interstate Family Support Act.

(7) *Family Division - Proceedings under Juvenile Code*

- (a) Designated Juvenile Offenses [DJ]. All juvenile offenses designated by the prosecutor or court to be heard in the family division of circuit court in the same manner as an adult criminal case is heard in the criminal division of the circuit court.
- (b) Delinquency Proceedings [DL]. All delinquency proceedings initiated by petition under the juvenile code or initiated by Uniform Law Citation for various minor offenses not in the Motor Vehicle Code.
- (c) Child Protective Proceedings [NA]. All child protective proceedings initiated by petition under the juvenile code.
- (d) Personal Protection Actions Brought Under the Juvenile Code [PJ]. All petitions seeking a personal protection order against a respondent under the age of 18. Includes proceedings conducted for violation of personal protection orders issued under the juvenile code when heard by a county other than the county that issued the personal protection order.
- (e) Traffic and Local Ordinance [TL]. All traffic and local ordinance issued on a Uniform Law Citation under the Motor Vehicle Code or local corresponding ordinance.

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**Case File Management Standards**

**6.1:** Case Type Codes (continued)

<b>Component 39</b> (continued)	<b>Phases of File Management Where Used</b>
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

(8) *Family Division - Proceedings under Adoption Code*

- (a) Adult Adoptions [AB]. All adult adoptions.
- (b) Agency International Adoptions [AC]. All foreign children adoptions.
- (c) Direct Placement Adoptions [AD]. All direct placement adoptions including temporary placements prior to filing of petition for direct placement.
- (d) Relative Adoptions [AF]. All adoptions by relatives including relative guardians, but not including step-parent adoptions.
- (e) Safe Delivery of Newborn Adoptions [AG] - All adoptions resulting from safe delivery of newborn proceedings.
- (f) Permanent Ward Adoptions (state ward or court ward) [AM]. All state or court ward adoptions resulting from child protective proceedings.
- (g) Non Relative Adoptions [AN]. All adoptions by guardians who are not relatives.
- (h) Agency Other Adoptions [AO]. All other private or public agency adoptions not otherwise designated.
- (i) Step-Parent Adoptions [AY]. All adoptions by step-parents.
- (j) Release to Adopt; No Case [RB]. All releases to adopt; no case pending.
- (k) Release to Adopt [RL]. All releases to adopt; result of a child protective case.

(rev. 1/2004)

Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

(9) *Family Division - Miscellaneous Proceedings*

- (a) Emancipation of Minor [EM]. All emancipation proceedings initiated under the status of minors and emancipation act.
- (b) Infectious Disease [ID]. All proceedings under the public health code for treatment of infectious disease or testing for infectious disease.
- (c) Safe Delivery of Newborn Child [NB]. All proceedings involving a newborn child surrendered under the Safe Delivery of Newborns act (MCL 712.1 et seq.).
- (d) Name Change [NC]. All name change proceedings.
- (e) Personal Protection Against Stalking [PH]. All personal protection proceedings under MCL 600.2950a; MSA 27A.2950a when there is no domestic relationship between the parties and the respondent is not under the age of 18.
- (f) Personal Protection in Domestic Relationships [PP]. All personal protection proceedings under MCL 600.2950; MSA 27A.2950 and/or MCL 600.2950a; MSA 27A.2950a when there is a domestic relationship between the parties and the respondent is not under the age of 18.
- (g) Waiver of Parental Consent to Obtain Abortion [PW]. All waiver of parental consent proceedings under the parental rights restoration act.
- (h) Violation Proceedings on Out-of-County Personal Protection Order - Revised Judicature Act [VP]. All proceedings conducted for violation of personal protection orders issued under MCL 600.2950 or MCL 600.2950a when heard by a county other than the county that issued the personal protection order. This case is filed as "In the Matter of".

(rev. 1/2004)

Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

(10) *Family Division - Ancillary Proceedings*. Use case type codes listed in (C) for matters filed in the probate court which may alternatively be filed in the family division of circuit court as an ancillary proceeding.

(11) *Court of Claims*.

- (a) Highway Defect [MD]. All claims involving highway defects.
- (b) Medical Malpractice [MH]. All claims involving health care provider malpractice.
- (c) Contracts [MK]. All other proceedings involving contractual obligations not otherwise coded.
- (d) Constitutional Claims [MM]. All claims for money damages brought under the Michigan Constitution.
- (e) Prisoner Litigation [MP]. All claims for money damages against the State of Michigan filed by state prisoners.
- (f) Tax Related Suits [MT]. All claims involving liability for state taxes.
- (g) Other Damage Suits [MZ]. All other claims for money damages.

(B) **District Court Case Type Code List.** The following case type code list must be used in district court as provided in Component 1. The bracketed letters are the case type codes.

(1) *Criminal*

- (a) Extradition/Detainer [EX]. All extradition and detainer matters initiated by Michigan to other states.

(rev. 1/2004)

<b>CIRCUIT COURT CASELOAD</b> Complete Parts 1 and 2 quarterly and transmit no later than 30 days following the end of the reporting period. Complete Part 4 annually and transmit with 4th quarter.			Quarter	Year
Preparer's name	Preparer's telephone no.	Court no. and designation	County or Location	

**PART 1: NEW FILINGS AND REOPENED CASES** \*\*Provide beginning pending only on the January report.

**SECTION A: APPEALS, ADMINISTRATIVE REVIEW, EXTRAORDINARY WRITS**

Line	CASE TYPE	AA	AE	AP	AR	AV	AH	AL	AS	AW
1	Beginning Pending**									
2	New Filings									
3	Reopened									

**SECTION B: CRIMINAL**

Line	CASE TYPE	AX	FC	FH	FJ
1	Beginning Pending**				
2	New Filings				
3	Reopened				

**SECTION C: CIVIL**

Line	CASE TYPE	CB	CC	CD	CE	CF	CH	CK	CL	CP	CR	CZ	ND	NF
1	Beginning Pending**													
2	New Filings													
3	Reopened													
Line	CASE TYPE	NH	NI	NM	NO	NP	NS	NZ	PC	PD	PR	PS	PZ	Use this format to report Court of Claims cases using the case type codes MD, MH, MK, MM, MP, MT, and MZ
1	Beginning Pending**													
2	New Filings													
3	Reopened													

**CIRCUIT COURT CASELOAD - PART 1: NEW FILINGS AND REOPENED CASES****SECTION D: DOMESTIC RELATIONS**

Line	CASE TYPE	DC	DM	DO	DP	DS	DZ	TC	TI	TM	TO	TP	TS	TU	TZ	UC	UD
1	Beginning Pending**																
2	New Filings																
3	Reopened																

Line	CASE TYPE	UE	UF	UI	UM	UN	UO	UT	UW
1	Beginning Pending**								
2	New Filings								
3	Reopened								

**SECTION E: JUVENILE**

Line	CASE TYPE	DJ	DL	PJ	TL
1	Beginning Pending**				
2	New Petitions				
3	Reopened				

## CIRCUIT COURT CASELOAD - PART 1: NEW FILINGS AND REOPENED CASES

### SECTION F: CHILD PROTECTIVE

Line	CASE TYPE	NA	Children
1	Beginning Pending**		
2	New Petitions		
3	Reopened		

Line	CASE TYPE	NA	Children
4	Term. Pet. (Orig./Amend)		
5	Term. Pet. (Supplemental)		
6	Supplemental Petitions		

Line	Children (NA)
7	

Number of children in line 2 who have had prior court jurisdiction under child protective proceedings

### SECTION G: ADOPTION

Line	CASE TYPE	AB	AC	AD	AF	AG	AM	AN	AO	AY
1	Beginning Pending**									
2	New Filings									
3	Reopened									

Line	TYPE	RB	RL
4	Releases Executed		

Line	OTHER MATTERS	
5	Petitions for Confidential Intermediary	
6	Requests for Release of Information	

### SECTION H: MISCELLANEOUS FAMILY

Line	CASE TYPE	EM	ID	NB	NC	PH	PP	PW	VP
1	Beginning Pending**								
2	New Petitions								
3	Reopened								



**SECTION I: ANCILLARY PROCEEDINGS - GUARDIANSHIPS, CONSERVATORSHIPS, ADMISSIONS, MENTAL COMMITMENTS**

Line	CASE TYPE	CA	CY	DD	GA	GL	GM	JA	LG	MI	PO
1	Beginning Pending Petitions**										
2	New Filings										

## General Reporting Instructions:

- If caseload information for a specific reporting period is not entered into the system prior to submitting the report, adjustments in caseload can be made by re-generating the report and transmitting the amended data according to procedures prescribed by SCAO.
- Except for Court of Claims cases, assignments are not to be counted in these reports. Separate assignment reports are prepared and will be used to gather additional statistical information about judicial activity. **If courts enter assigned cases to their case management systems, the cases must not be reported.**
- When the family division of the circuit court is processing cases under the jurisdiction of the probate court, the statistics must be provided in the reporting format required for probate court. When the family division of the circuit court is processing cases under which it has ancillary jurisdiction, the statistics must be provided in Section I of this report.
- When a case type code is changed after a case has been reported, the case must be counted disposed as "Case Type Change" under the case type code under which the case was originally reported (as a new filing) and reported as a new filing under the new case type. Separate instructions for this new filing are not provided again in the following pages.

## Section A: Appeals, Administrative Review, Extraordinary Writs - New Filings and Reopened Cases

- Line 1:** Provide the number of beginning pending cases as of January 1 for each of the case type codes. DO NOT provide beginning pending numbers for the remaining three quarters.
- Line 2:** Under the appropriate case type codes, provide the total number of filings. Count cases opened on the filing date.
- An appeal, administrative case, or extraordinary writ is counted as a new filing when a claim of appeal is received for filing, a petition for leave to appeal is received for filing, a petition for review is received for filing, or an extraordinary writ is received for filing.

*Forms which may be used to open an appellate case are:*

*MC 55 (Claim of Appeal)*

*CC 403 (Claim of Appeal and Order Appointing Counsel)*

*Court rules associated with opening an appellate or administrative case are MCR 5.801(C), 6.625, 7.101(C), 7.102, 7.103(B), 7.104, and 7.105(C). Court rules associated with opening a civil action for extraordinary relief are MCR Subchapter 3.300.*

- Line 3:** Under the appropriate case type codes, provide the total number of reopened cases. Count cases reopened only if they have been previously counted as disposed.
- An appeal, administrative case, or extraordinary writ is counted as a reopened case when remanded to the circuit court by a higher court or when a termination of bankruptcy is filed or when an order staying a case is set aside.

*Court rules associated with reopening an appellate or administrative case or an action for extraordinary relief are MCR 7.216(A) and 7.316(A).*

## Section E: Juvenile - New Filings (Petitions) and Reopened Cases (Petitions)

**Line 1:** Provide the number of beginning pending petitions as of January 1 for each of the case type codes. DO NOT provide beginning pending numbers for the remaining three quarters.

**Line 2:** Under the appropriate case type codes, provide the total number of petitions. Count petitions opened on the date received. Only one juvenile shall be included in a single petition, complaint, or citation. A petition, complaint, or citation may charge multiple offenses against one juvenile. The most serious offense defines the case type code to be assigned, i.e., if a delinquency and traffic offenses are filed on the same petition, the case type is DL.

- A juvenile petition is counted as a new petition when an original complaint, petition, or citation is received (not when authorized); when an order granting a request to designate a case is entered; or when a petition is received by your court after transfer from another court because of change of venue or change of jurisdiction including transfers from district court under MCR 6.911 and transfers from the circuit criminal division under MCL 712A.3.
  - If the filing is prosecutor-designated, count under DJ rather than DL. If the court designates the DL filing, count under DJ.
  - Do not count **supplemental** petitions **except** in a proceeding for violation of a personal protection order issued by another court.

*Forms which may be used are:*

*JC 01 and JC 02 (Complaint)*

*JC 04 (Petition)*

*JC 29 (Order to Transfer Jurisdiction)*

*JC 68 (Order After Designation Hearing)*

*UC-01a or UC-01b (Uniform Law Citation)*

*MC 200 (Bind Over/Transfer After Preliminary Examination, Felony)*

*MC 316 (Order for Change of Venue)*

*CC 375M (Petition for Personal Protection Order Against a Minor, Domestic Relationship)*

*CC 377M (Petition for Personal Protection Order Against Stalking by a Minor, Non Domestic)*

*Court rules and statutes associated with a juvenile complaint or petition are MCR 3.926, 3.931, 3.932(C), (D), 3.939, 3.951(A), 3.952(D), and 6.911 and MCL 257.728, 712A.2, 712A.2b, 712A.2d, 712A.2h, and 712A.3.*

**Line 3:** Provide the total number of reopened petitions. Count cases reopened only if they have been previously counted as disposed.

- A juvenile petition is counted as a reopened petition:
  - when remanded from another court for a new trial.
  - when a request to withdraw plea is granted or when a judgment notwithstanding the verdict is entered except when entered upon return of the jury verdict.
  - when the juvenile fails to comply with a consent calendar agreement or a diversion program.
  - when the court transfers an adjudicated petition to the consent calendar before disposition under MCR 3.932(C)(8)
  - when the judge overturns a decision of a referee.
  - when the juvenile appears on a petition/citation which was previously reported disposed for failure to appear.
  - after receiving a report from Department of Community Health regarding competency of juvenile to stand trial and an order of competency is entered.
  - when the prosecutor files a nolle prosequi after the case has been previously counted disposed under inactive status.
- Do not count as reopened a denied petition for ex parte personal protection order that is subsequently scheduled for hearing under MCR 3.705(B).

*Court rules and statute associated with reopening a juvenile petition are MCR 3.932(C)(8), 3.941, 6.310, 7.215(D) and 7.317 and MCL 330.3028.*

## **Section F: Child Protective - New Filings (Petitions) and Reopened Cases (Petitions)**

**Line 1:** Provide the number of beginning pending petitions as of January 1 for each of the case type codes. DO NOT provide beginning pending numbers for the remaining three quarters.

**Line 2:** Provide the total number of petitions. Count petitions opened on the date received. A petition may involve more than one child.

- A child protective petition is counted as a new petition when an original complaint or petition is received (not when authorized), including petitions received by your court after transfer from another court because of change of venue or jurisdiction.
  - If multiple children are included in one complaint or petition, count as one petition.
  - Count the total number of children in each complaint or petition received.
  - Count supplemental petitions separately (see Lines 5 and 6).

*Forms which may be used in child protective cases are:*

*JC 01 and JC 02 (Complaint)*

*JC 04 (Petition)*

*JC 29 (Order to Transfer Jurisdiction)*

*MC 316 (Order for Change of Venue)*

*Court rules and statutes associated with a child protective complaint or petition are MCR 3.926 and 3.961 and MCL 712A.2.*

**Line 3:** Provide the total number of reopened petitions. Count cases reopened only if they have been previously counted as disposed.

- A child protective petition is counted as a reopened petition when:
  - remanded from another court for a new trial.
  - a request to withdraw plea is granted.

*Court rules associated with reopening a child protective petition are MCR 3.971, 7.215(D), and 7.317.*

**Line 4:** Count the total number of termination petitions which were included in original or amended petitions. Count the total number of children in each petition received.

**Line 5:** Count the total number of termination petitions received as supplemental petitions. Count the total number of children in each petition received.

**Line 6:** Count the total number of supplemental petitions received, not including termination petitions. Count the total number of children in each petition received.

**Line 7:** Provide the total number of children in line 2 who have had prior court jurisdiction under child protective proceedings.

**Note:** Changes in petitions before adjudication are considered amended. Changes in petitions after adjudication are considered supplemental.

## Section G: Adoptions - New Filings and Reopened Cases

**Line 1:** Provide the number of beginning pending cases as of January 1 for each of the case type codes. DO NOT provide beginning pending numbers for the remaining three quarters.

**Line 2:** Under the appropriate case type codes, provide the total number of filings. Count cases opened on the filing date. Only one child shall be included in a single petition.

- An adoption case is counted as a new filing when an original petition is received for filing or when a case is received by your court after transfer from another court because of change of venue or jurisdiction.
  - Count authorizations for temporary placement as a new filing under AD or AO as appropriate. Petitions for direct placement adoption or agency adoption which have been preceded by an authorization for temporary placement should not be assigned a new case number and should not be counted as a new filing.
  - Do not count supplemental petitions, releases, or consents on this line (see Line 4 for counting releases).
  - Do not count petitions for confidential intermediaries on this line (see Line 5).

*Forms which may be used for opening an adoption case are:*

*PCA 301 (Petition for Adoption)*

*PCA 301a (Petition for Direct Placement Adoption)*

*MC 316 (Order for Change of Venue)*

*Court rules and statutes associated with opening an adoption case are MCR 3.801 and MCL 333.2830, 710.24, 710.26, 710.45, 710.46, 710.52, and 710.56.*

**Line 3:** Under the appropriate case type codes, provide the total number of reopened cases.

- An adoption case is counted as a reopened case when:
  - remanded from another court for further consideration after a final order is entered.
  - petition for rehearing is received for filing and rehearing is granted.
  - petition to rescind adult adoption is received for filing. *Form PCA 349 (Petition for Recission of Adoption and Order)*

*Court rules associated with reopening an adoption case are MCR 3.806, 7.215(D), and 7.317 and MCL 710.64(1) and 710.66.*

**Line 4:** Under the appropriate type code, provide the total number of releases executed.

**Line 5:** Count the total number of petitions filed requesting a confidential intermediary regardless of the case type code.

**Line 6:** Count the total number of requests filed for release of adoption information regardless of the case type code.

## Section H: Miscellaneous Family - New Filings and Reopened Cases

**Line 1:** Provide the number of beginning pending cases as of January 1 for each of the case type codes. DO NOT provide beginning pending numbers for the remaining three quarters.

**Line 2:** Under the appropriate case type codes, provide the total number of filings. Count cases opened on the filing date.

- A miscellaneous family case is counted as a new filing when an original petition is received for filing, when a case is received by your court after transfer from another court because of change of venue or jurisdiction, or when a respondent is arraigned for violating an out-of-county personal protection order.
  - Count petitions for ex parte order for transport and temporary detention for infectious disease as a new filing. Petitions for treatment of infectious disease which have been preceded by an ex parte order for transport and temporary detention for infectious disease should not be assigned a new case number and should not be counted as a new filing.
  - Do not count petitions for continuing treatment of infectious disease.
  - Do not count petitions to rescind order of emancipation; see Line 3.

*Forms which may be used for opening a miscellaneous family division case are:*

*PC 51 (Petition to Change Name)*

*PC 100 (Petition for Emancipation, Affidavit, and Waiver of Notice)*

*PC 104 (Petition for Treatment of Infectious Disease)*

*PC 110 (Petition and Ex Parte Order for Transport and/or Temporary Detention)*

*PC 119 (Petition for Waiver of Parental Consent for an Abortion)*

*MC 72 (Petition for Testing of Infectious Disease)*

*CC 375 (Petition for Personal Protection Order, Domestic Relationship)*

*CC 377 (Petition for Personal Protection Order Against Stalking, Non Domestic Relationship)*

*CCFD01 (Petition for Placement Order of Surrendered Newborn Child) or CCFD03 (Petition of Parent for Custody of Surrendered Newborn Child)*

*whichever is filed first*

*MC 316 (Order for Change of Venue)*

*Court rules and statutes associated with initiating miscellaneous family division actions are MCR 3.703, 3.613, 3.614, and 3.615 and MCL 333.5204(4), 333.5205, 600.2950, 600.2950a, 710.24, 711.1, 722.4, and 722.903.*

**Line 3:** Under the appropriate case type codes, provide the total number of reopened cases. Count cases reopened only if they have been previously counted as disposed.

- A miscellaneous family division case is counted as a reopened case when:
  - remanded from another court for a new hearing.
  - a petition is filed for treatment of infectious disease and was preceded by an ex parte order for transport and temporary detention for infectious disease.
  - a petition to rescind emancipation is filed.
  - a petition for custody of surrendered newborn child is filed after an order terminating parental rights has been entered.
- Count as a reopened case each petition scheduled for hearing under MCR 3.705(B) after an order is entered denying or dismissing a petition for **ex parte** personal protection order.

*Court rules and statutes associated with reopening a miscellaneous family division case are MCR 3.705(B), 7.215(D) and 7.317 and MCL 333.5207 and 722.4d.*

## Section I: Ancillary Proceedings - Guardianships, Conservatorships, Admissions, Mental Commitments - New Filings and Reopened Cases

This section applies to both adults and minors

**Line 1:** Provide the number of beginning pending **petitions** as of January 1 for each of the case type codes. DO NOT provide beginning pending numbers for the remaining three quarters.

**Line 2:** Under the appropriate case type codes, provide the total number of filings. Count petitions opened on the filing date.

- A guardianship or conservatorship is counted as a new filing when a petition is received for filing on an individual that does not currently have a case in that case type, or when a case is received by your court after transfer from another court because of change of venue or jurisdiction. Do not count requests for notice (form PC 624).
  - Count as a new filing when all fiduciaries are released from acceptance of appointment and/or a bond is cancelled on a particular case type and a new petition is received for filing for a particular individual with the same case type, including petitions for partial guardian of individual with developmental disability (for which the order expires every 5 years).
  - Count a petition for a protective order under "PO" when not filed in conjunction with a petition for conservatorship.
  - Count a petition for appointment of conservator **and** protective order as a conservatorship case.
  - When more than one petition is received for filing on a particular individual for more than one case type (i.e., conservatorship and guardianship), count each case type as a separate case, **except** when a petition for conservatorship and protective order are filed in the same petition together.

*Forms which may be used to file a guardianship or conservatorship case include:*

*PC 625 (Petition for Appointment of Guardian of Incapacitated Individual)*

*PC 639 (Petition for Appointment of Conservator and/or Protective Order)*

*PC 650 (Petition for Appointment of Limited Guardian of Minor)*

*PC 651 (Petition for Appointment of Guardian of Minor)*

*PC 658 (Petition for Appointment of Guardian, Individual with Developmental Disability)*

*MC 316 or PC 608 (Order for Change of Venue)*

- A mental commitment is counted as a new filing when form PCM 201 (Petition for Hospitalization/Application), form PCM 202 (Objection to Hospitalization of Minor), or form PCM 237 (Petition for Continued Hospitalization of a Minor) is filed.
- A judicial admission is counted as a new filing when form PCM 224 (Petition for Judicial Admission) or PCM 203 (Objection to Administrative Admission of Developmentally Disabled Person) is filed.

*Court rules and statutes associated with opening a guardianship, conservatorship, judicial admission, or mental commitment case are MCR 5.101(B), 5.105, 5.127, 5.401, 5.402, and 5.745 and MCL 330.1434, 330.1498m, 330.1511, 330.1516, 330.1609, 330.1623, and 700.5204, 700.5205, 700.5401, and 700.5404*

## CIRCUIT COURT CASELOAD - PART 2: METHOD OF DISPOSITION (ADJUDICATION)

### SECTION E: JUVENILE

Line	CASE TYPE	DL	TL
1	Jury Verdict		
2	Bench Verdict		
3	Admission/ No Contest		
4	Prosecutor Waiver		
5	Traditional Waiver		
6	Nolle Prosequi		
7	Dismissed by Court		
8	Consent Calendar		
9	Transferred		
10	Diversion/ Not Auth.		
11	Designation Granted		
12	Inactive Status		
13	Not Charged		
14	Case Type Change		

Line	CASE TYPE	DJ
15	Jury Verdict	
16	Bench Verdict	
17	Guilty Plea	
18	Nolle Prosequi	
19	Dismissed by Court	
20	Inactive Status	

Line	Juveniles in the System	DL/TL/DJ
21	Court Supervision	
22	FIA Supervision	
23	DCJ Supervision (in Wayne County only)	
24	Pending Adjudication	

Line	CASE TYPE	PJ
25	Orders Issued Ex Parte	
26	Orders Issued After Hearing	
27	Transferred	
28	Dismissed/Denied Ex Parte	
29	Dismissed/Denied After Hearing	
30	Dismissed by Petitioner	
31	Orders Rescinded	
32	Orders Issued After Denial	

### SECTION F: CHILD PROTECTIVE

Line	CASE TYPE	NA
1	Jury Verdict	
2	Bench Verdict	
3	Admission/ No Contest	
4	Dismissed/ Withdrawn	
5	Transferred	
6	Not Authorized	

Line	Children in the System	NA
7	Temporary Court Ward	
8	Temporary State Ward (MCIO)	
9	Permanent Ward (MCI and court)	
10	Pending Adjudication	



## CIRCUIT COURT CASELOAD - PART 2: METHOD OF DISPOSITION

### SECTION G: ADOPTION

Line	CASE TYPE	AB	AC	AD	AF	AG	AM	AN	AO	AY
1	Finalized									
2	Withdrawn by Petitioner									
3	Dismissed by Court									
4	Transferred									
5	Recission Granted									
6	Recission Denied/With.									
7	Case Type Change									

### SECTION H: MISCELLANEOUS FAMILY

Line	CASE TYPE	EM	ID	NB	NC	PH	PP	PW	VP
1	Orders Issued Ex Parte								
2	Orders Issued After Hearing								
3	Transferred								
4	Dismissed/Denied Ex Parte								
5	Dismissed/Denied After Hearing								
6	Dismissed by Petitioner								
7	Orders Rescinded								
8	Orders Issued After Denial								
9	Case Type Change								

**SECTION I: ANCILLARY PROCEEDINGS - GUARDIANSHIPS, CONSERVATORSHIPS, ADMISSIONS, MENTAL COMMITMENTS**

⑥	CASE TYPE	CA	CY	DD	GA	GL	GM	JA	LG	MI	PO
1	Granted										
2	Denied										
3	Transferred										
4	Withdrawn/ Dismissed										
5	Deferred										
6	Case Type Change										

## Section E: Juvenile - Method of Disposition (Adjudication)

**Report DL petitions and TL citations in this section when** all counts against the juvenile have been dismissed or adjudicated. Enter in the appropriate lines the number of petitions adjudicated for each of the case type codes. Do not count cases adjudicated when assigned by the State Court Administrative Office to a judge of another court. **The method of disposition** should be entered in the line representing the highest form of adjudication on the petition/citation using the following hierarchy. For example, petition has 3 counts, juvenile pleads guilty to 2 counts and a jury trial was held on 1 count; count the petition adjudicated by jury verdict.

**Line 1:** Jury Verdict [MCR 3.942, MCL 712A.18, 712A.18i]

Count when verdict is returned by jury except judgment notwithstanding the verdict. Count pleas accepted by court during course of trial under line 3.

**Line 2:** Bench Verdict [MCR 3.942, MCL 712A.18, 712A.18i]

Count when verdict is returned by judge. Count directed verdicts in favor of juvenile after conclusion of petitioner's case even if during jury trial. Count entry of adjudication by judge notwithstanding jury verdict. Count pleas accepted by court during course of trial under line 3.

**Line 3:** Admission/No Contest [MCR 3.941, MCL 712A.18, 712A.18i]

Count when a plea is offered and accepted. Count as plea if juvenile pleads during or after proofs are heard. A plea taken under advisement under MCR 3.941 is not an adjudication; do not count here.

**Line 4:** Prosecutor's Discretionary Waiver [MCR 3.935(A), MCL 712A.4]

Count when prosecutor exercises discretionary waiver to district court following 5 day adjournment period requested in petition.

**Line 5:** Traditional Waiver (form JC 29) [MCR 3.950(E), MCL 712A.4]

Count when judge grants motion to waive jurisdiction to criminal division.

**Line 6:** Nolle Prosequi (form MC 263) [MCR 3.935(B), MCL 712A.18]

Count when nolle prosequi is filed by the prosecutor or city attorney and an order is entered.

**Line 7:** Dismissed by Court (forms JC 14, JC 59, MC 262) [MCR 3.935(B), MCL 712A.18]

Count when dismissed by court.

**Line 8:** Consent Calendar [MCR 3.932(C), MCL 712A.18]

Count whether petition is authorized or not and juvenile consents to proceed on consent calendar. Count when citation is placed on consent calendar.

**Line 9:** Transferred (form MC 316) [MCR 3.926]

Count transfers to another court (including tribal court) before adjudication.

**Line 10:** Diversion/Not Authorized (forms JC 10) [MCR 3.932(A)]

Count when petition is not authorized and/or the matter is referred for alternative services.

**Line 11:** Designation Granted (form JC 68) [MCR 3.952(D), 3.953(F), MCL 712A.2d]

Count when request for designation is granted by judge.

**Line 12:** Inactive Status (form JC 05, MC 204, MC 229)

Count as inactive when either a warrant or a FAC suspension is issued for nonappearance before adjudication or when a juvenile is committed to the Department of Community Health for treatment after a finding of incompetency to stand trial within the time period established by law.

**Line 13:** Not Charged

Count complaints received for which no petition is offered after review by prosecutor (for counties which open a case file and provide services before prosecutor review).

**Line 14:** Case Type Change

Count when a case type code is changed after a case has already been reported as a new filing under another case type code.

## Section E: Juvenile - Method of Disposition

**Report juvenile petitions with a "DJ" case type in this section when** all counts against the juvenile have been disposed. Enter in the appropriate lines the number of designated cases disposed whether the cases were originally filed as designated cases (prosecutor-designated) or were subsequently ordered designated (court-designated). Do not count cases disposed when assigned by the State Court Administrative Office to a judge of another court. **The method of disposition** should be entered in the line representing the highest form of disposition within the case using the following hierarchy. For example, petition has 3 counts, juvenile plead guilty to 2 counts and a jury trial was held on 1 count; count the petition disposed by jury verdict.

**Line 15:** Jury Verdict [MCR 3.954, 6.420, MCL 712A.18]

Count when verdict is returned by jury except judgment notwithstanding the verdict. Count pleas accepted by court during course of trial under line 3.

**Line 16:** Bench Verdict [MCR 3.954, 6.403, MCL 712A.18]

Count when verdict is returned by judge. Count directed verdicts in favor of juvenile after conclusion of petitioner's case even if during jury trial. Count entry of judgment notwithstanding jury verdict. Count pleas accepted by court during course of trial under line 3.

**Line 17:** Guilty Plea [MCR 6.302, 6.303, 6.304, MCL 712A.18]

Count when a guilty plea is offered and accepted. Count as a plea if: 1) new trial is granted after verdict and juvenile later pleads guilty; 2) juvenile pleads guilty during or after proofs are heard.

**Line 18:** Nolle Prosequi (form MC 263) [MCR 6.110(F), (H), 6.427]

Count when nolle prosequi is filed by the prosecutor and an order is entered.

**Line 19:** Dismissed by Court (form MC 262) [MCR 6.110(F), (H), 6.427]

Count when dismissed by judge after preliminary examination, during trial, or after trial.

**Line 20:** Inactive Status (forms JC 05, JC 69, MC 204, MC 206, MC 229) [MCR 6.125, MCL 330.2028]

Count as inactive when a warrant is issued for nonappearance before adjudication or when a juvenile is committed to the Department of Community Health for treatment after a finding of incompetency to stand trial within the time period established by law.

**Line 21:** Juveniles in the System - Court Supervision

Provide the total number of juveniles under court supervision on the last day of each quarter. Include juveniles on consent calendar. Include designated cases except when the juvenile is committed to jail or the Department of Corrections (forms JC 71 and JC 72).

**Line 22:** Juveniles in the System - FIA Supervision

Provide the total number of juveniles under FIA supervision on the last day of each quarter. Include designated cases except when the juvenile is committed to jail or the Department of Corrections (forms JC 71 and JC 72). Include waiver cases from the criminal division where the juvenile is committed to FIA (case type code FJ).

**Line 23:** Juveniles in the System - DCJ Supervision

Provide the total number of juveniles under DCJ supervision on the last day of each quarter. Include designated cases except when the juvenile is committed to jail or the Department of Corrections (forms JC 71 and JC 72). Include waiver cases from the criminal division where the juvenile is committed to DCJ (case type code FJ).

**Line 24:** Juveniles Pending Adjudication

Provide the total number of juveniles for whom a petition is pending adjudication who are not already under court, FIA, or DCJ supervision.

## Section E: Juvenile - Method of Disposition

**Report petitions with a "PJ" case type in this section when** the order on the petition is entered. Enter in the appropriate lines the number of petitions disposed. Even though these cases are not reported as reopened, include in Lines 31 and 32 the number of orders subsequently rescinded or issued after denial.

**Line 25:** Orders Issued Ex Parte (*forms CC 376M, CC 380M*) [MCR 3.706]

Count every personal protection order issued ex parte.

**Line 26:** Orders Issued After Hearing (*forms CC 376M, CC 380M*) [MCR 3.706]

Count every personal protection order issued after hearing **in cases where the petitioner did not request an ex parte order in the original petition filed with the court.**

**Line 27:** Transferred (*form MC 316*) [MCR 5.926]

Count transfers to another court before adjudication.

**Line 28:** Dismissed/Denied Ex Parte (*form CC 383*) [MCR 3.705(A)(5), (B)(1)]

Count every order denying or dismissing an original petition for an ex parte personal protection order.

**Line 29:** Dismissed/Denied After Hearing (*form CC 383*) [MCR 3.705(B)(4),(6)]

Count every order denying or dismissing an original petition after hearing **when the petitioner did not request an ex parte order in the original petition filed with the court.**

**Line 30:** Dismissed by Petitioner (*forms CC 378*) [MCR 3.704]

Count every petition dismissed by petitioner before the personal protection order is entered.

**Line 31:** Orders Rescinded [MCR 3.707]

Although these cases are not reported reopened when a motion to rescind is filed, count the number of orders rescinded.

**Line 32:** Orders Issued After Denial [MCR 3.705(B)(1)(b),(6)]

Although these cases are not reported as reopened when a hearing is requested by the petitioner after the court refused to issue a personal protection order ex parte, count the number of personal protection orders issued as a result of that hearing.

## Section F: Child Protective - Method of Disposition (Adjudication)

**Report child protective petitions in this section when** all children named in the petition have been adjudicated. **The method of disposition** should be entered in the line representing the highest form of adjudication within the case using the following hierarchy. **NOTE: Cases held in abeyance do not qualify for adjudication** and should not be counted as disposed in this report. Report all petitions held in abeyance on the Statement of Matters Undecided (report form SCAO 27).

- Line 1:** Jury Verdict [*MCR 3.972, MCL 712A.18, 712A.18i*] - Count when verdict is returned by jury except for judgment notwithstanding the verdict. Count pleas accepted by court during course of trial under line 3.
- Line 2:** Bench Verdict [*MCR 3.972, MCL 712A.18, 712A.18i*] - Count when verdict is returned by judge. Count entry of judgment by judge notwithstanding jury verdict. Count pleas accepted by court during course of trial on line 3.
- Line 3:** Plea of Admission/No Contest [*MCR 3.971, MCL 712A.18, 712A.18i*] - Count when a plea is offered and accepted. Count as a plea if respondent pleads during or after proofs are heard.
- Line 4:** Dismissed/Withdrawn (*forms JC 17, MC 262*) [*MCR 3.965(B), MCL 712A.18*] - Count when dismissed by court before a verdict is entered. Count when withdrawn by petitioner before a verdict is entered.
- Line 5:** Transferred (*form MC 316*) [*MCR 3.926*] - Count transfers to another court (including tribal court) before adjudication.
- Line 6:** Not Authorized (*form JC 11*) [*MCR 3.962(B)*] - Count when petition not authorized.
- Line 7:** Children in the System - Temporary Court Ward - Provide the total number of children under court jurisdiction who are temporary wards of the court on the last day of each quarter.
- Line 8:** Children in the System - Temporary State Ward (MCI-O) - Provide the total number of children under court jurisdiction who, as of the last day of each quarter, are temporarily committed by the court to MCI for observation under MCL 400.203(a)(ii).
- Line 9:** Children in the System - Permanent Ward (MCI and court) - Provide the total number of children under court jurisdiction who are permanent wards of either MCI or the court on the last day of each quarter.
- Line 10:** Children Pending Adjudication - Provide the total number of children for whom a petition is pending adjudication who are not already under court jurisdiction.

## Section G: Adoption - Method of Disposition

**Report adoption cases in this section when** an order has been entered as indicated below. Enter in the appropriate lines the number of cases disposed for each of the case type codes. Do not count cases disposed when assigned by the State Court Administrative Office to a judge of another court. **The method of disposition** should be entered in the line representing the highest form of final disposition within the case using the following hierarchy:

- Line 1:** Finalized (*forms PCA 321, PCA 322, PCA 336, PCA 349*) [*MCR 3.800*] - Count when adoption is finalized and order is entered.
- Line 2:** Withdrawn by Petitioner [*MCR 2.502, 2.504*] - Count when withdrawn by petitioner before finalization.
- Line 3:** Dismissed by Court [*MCR 2.502, 2.504*] - Count when dismissed by court before finalization.
- Line 4:** Transferred (*form MC 316*) [*MCR 2.226, 2.227*] - Count transfers to another court before finalization.
- Line 5:** Recission Granted - Count when petition for recission of a step-parent adoption is granted.
- Line 6:** Recission Denied/Withdrawn - Count when petition for recission of a step-parent adoption is denied or withdrawn.
- Line 7:** Case Type Change - Count when a case type code is changed after a case has already been reported as a new filing under another case type code.

## Section H: Miscellaneous Family - Method of Disposition

**Report miscellaneous family cases in this section when** an order on the petition is entered. Enter in the appropriate lines the number of cases disposed for each of the case type codes. Also include in Lines 7 and 8 the number of personal protection orders subsequently rescinded or issued after denial. Do not count cases disposed when assigned by the State Court Administrative Office to a judge of another court. **The method of disposition** should be entered in the line representing the highest form of final disposition within the case using the following hierarchy:

Disposition forms are as follows:

- EM - (*forms PC 101, MC 316*)
- ID - (*forms MC 74, PC 106, PC 110*) Count a petition for transport and/or temporary detention disposed when ex parte order is entered; if the case is reopened by the filing of petition for treatment of infectious disease, count disposed when an order following the hearing is entered.
- NB - (*order terminating parental rights*)
- NC - (*forms PC 52, MC 316*)
- PH - (*forms CC 378, CC 380, CC 383*)
- PP - (*forms CC 376, CC 378, CC 383*)
- PW - (*form PC 120*)
- VP - (*form CC 384*)

**Line 1:** Ex Parte [*MCR 2.602, 3.706*]

Count when an original order results without hearing except when the order dismisses/denies the case. Count an ex parte order for transport and or temporary detention for ID cases. Count every personal protection order issued ex parte.

**Line 2:** Order Issued After Hearing [*MCR 2.602, 3.706, 3.615(K)*]

Count when an original order results from a hearing except when the order dismisses/denies the case. Count every personal protection order issued after hearing **in cases where the petitioner did not request an ex parte order in the original petition filed with the court.**

**Line 3:** Transferred (*form MC 316*) [*MCR 2.226, 2.227*]

Count transfers to another court before adjudication.

**Line 4:** Dismissed/Denied Ex Parte [*MCR 2.502, 2.504(B), (E), 3.705(A)(5), (B)(1)*]

Count when dismissed/denied by court ex parte including dismissals for lack of progress. Count every order denying or dismissing an original petition for an ex parte personal protection order.

**Line 5:** Dismissed/Denied After Hearing [*MCR 2.502, 2.504(B), (E), 3.705(B)(4), (6), 3.615(K)*]

Count when dismissed/denied by court after hearing. Count every personal protection order denying or dismissing an original petition after hearing **when the petitioner did not request an ex parte order in the original petition filed with the court.** Count every **reopened** personal protection case resulting in dismissal/denial after hearing (see Part 1).

**Line 6:** Dismissed by Petitioner [*MCR 2.504(A), 3.704*]

Count voluntary dismissals by petitioner before an order is entered. Count every petition dismissed by petitioner before the personal protection order is entered.

**Line 7:** Orders Rescinded [*MCR 3.707*]

Although personal protection cases are not reported as reopened when a motion to rescind is filed, count the number of orders rescinded.

**Line 8:** Orders Issued After Denial [*MCR 3.705(B)(1)(b), (6)*]

Count every **reopened** personal protection case resulting in entry of a personal protection order after hearing.

**Line 9:** Case Type Change

Count when a case type code is changed after a case has already been reported as a new filing under another case type code.

## **Section I: Ancillary Proceedings - Guardianships, Conservatorships, Admissions, Mental Commitments - Method of Disposition**

**Report ancillary proceedings in this section when** an order on the petition is entered. Enter in the appropriate lines the number of cases disposed for each of the case type codes. Do not count cases disposed when assigned by the State Court Administrative Office to a judge of another court. **The method of disposition** should be entered in the line representing the highest form of final disposition within the case using the following hierarchy:

**Line 1:** Granted (*forms PC 564, PC 631, PC 653, PC660, PCM 205, 214, PCM 214a, PCM 239*) [MCL 330.1468, 330.1469a, 330.1470, 330.1472a, 330.1498n, 330.1498o, 330.1511, 330.1515, 330.1518, 330.1519, 330.1520, MCL 700.5406 et seq.] - Count each petition for guardianship or conservatorship when granted. Count each initial order issued on a petition for commitment/treatment/hospitalization or judicial admission. Do not include second or continuing orders. Count each order dismissing an objection to hospitalization of a minor or administrative admission of a developmentally disabled person. Do not count orders appointing temporary guardian of incapacitated individual.

**Line 2:** Denied - Count each original petition for guardianship, conservatorship, commitment/hospitalization/treatment, or admission denied. Do not include orders on petitions for second or continuing commitment/hospitalization/treatment.

**Line 3:** Transferred (*form MC 316 or PC 608*) [MCR 2.226, 2.227, 5.128, MCL 700.1303] - Count each guardianship, conservatorship, mental commitment/hospitalization/treatment, or judicial admission petition transferred to another court.

**Line 4:** Withdrawn by Petitioner/Dismissed (*forms PCM 205, PCM 214, PCM 214a, PCM 239*) [MCL 330.1468, 330.1469a, 330.1470, 330.1472a, 330.1498n, 330.1498o, 330.1511, 330.1515, 330.1518, 330.1519, 330.1520] - Count each guardianship or conservatorship petition withdrawn by the petitioner before the issuance of an order of appointment. Count each petition for guardianship, conservatorship, mental commitment, or judicial admission dismissed by the court (includes situations where the individual agrees to voluntary commitment). Count each order sustaining an objection to hospitalization of a minor or administrative admission of a developmentally disabled person.

**Line 5:** Case Type Change - Count when a case type code is changed after a case has already been reported as a new filing under another case type code.

**Line 6:** Deferred (*form PCM 235*) [MCL 330.1455(5)] - Count each request to defer hearing on a petition for commitment/hospitalization/treatment.



## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

**General Reporting Instructions:** These reports are to be submitted **annually** with the 4th quarter of Parts 1 and 2. Case age measurement occurs at different stages of a case depending on the case type. Refer to the specific instructions to determine the measurement criteria for each type of case. **Except as otherwise noted, disposition is based on the definitions in Part 2. Each judge of a court shall report their case data individually by bar number** (including cases that are handled by referees). When cases from a judge's caseload are assigned to a judge of another court by the SCAO, the court must still report them; however, it is at their discretion whether they report assigned cases under the bar number of the original judge or under the bar number of the assigned judge. Do not report them under both.

**Cases that have been reported disposed under "Inactive Status"** (as defined by that line in Part 2 of the caseload instructions) **are not adjudicated and shall not be reported on these case age reports under either the column for pending or for disposition.** Once a case that has been on "inactive status" qualifies for reporting as "reopened" based on the instructions in Part 1, it must be reported on these case age reports as either pending or disposed according to its status as of December 31 of the reporting year; however, when calculating the age of the case, **subtract the time that particular case was out of the court's control on "inactive status"**. Also, any other case (**except for DL and NA case types**) that is reopened must be reported on these case age reports as either pending or disposed according to its status as of December 31 of the reporting year with the age calculated by **subtracting the time from the original disposition of that particular case to the reopen date.**

**Inactive Status** defined: A case is on "inactive status" when it has been disposed as inactive based upon the guidelines in Part 2. "Inactive status" is available only to cases reported in Sections A, B, C, D, and E. Delays caused for any other reason shall not be subtracted from the time. As stated previously, the age of a case while on **inactive status** shall not be reported under columns for pending or for disposition.

Although case type codes are organized in groupings, cases associated with each case type code are to be reported separately throughout this entire report. For example, although AA, AE, AL, and AP are combined, AA cases should be reported under its own column, AE cases should be reported under its own column, etc.

**NOTE:** Except for DL, TL, and NA case types and Section I, disposed cases reported in Part 4 must equal the disposed cases reported in Part 2 less cases disposed by methods "Inactive Status" and "Case Type Change" and pending cases reported in Part 4 must equal ending pending cases calculated from the data provided in Parts 1 and 2.

### SECTION A: APPEALS, ADMINISTRATIVE REVIEW, EXTRAORDINARY WRITS

Measurement begins on the date of the filing of the claim of appeal or other initiating document and is completed when disposition (as defined in Part 2, Section A) occurs.

Line	CASE TYPE	AA, AE, AL, AP	AR, AV	AH, AS, AW
1	Disposed 0-182 Days			
2	Disposed +182 Days			
3	Disposed 0-35 Days			
4	Disposed 36-91 Days			
5	Disposed +91 Days			
6	Pending 0-182 Days			
7	Pending +182 Days			
8	Pending 0-35 Days			
9	Pending 36-91 Days			
10	Pending +91 Days			

**When reporting case age, report numbers individually for each case type.**

**Line 1:** Count the number of cases disposed within 182 days.

**Line 2:** Count the number of cases disposed after 182 days.

**Line 3:** Count the number of cases disposed within 35 days.

**Line 4:** Count the number of cases disposed from 36 to 91 days.

**Line 5:** Count the number of cases disposed after 91 days.

**Line 6:** Count the number of pending cases with an age through 182 days.

**Line 7:** Count the number of pending cases with an age of over 182 days.

**Line 8:** Count the number of pending cases with an age through 35 days.

**Line 9:** Count the number of pending cases with an age from 36 to 91 days.

**Line 10:** Count the number of pending cases with an age over 91 days.

## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION E: JUVENILE

Measurement begins on the date the initial petition is authorized by the court and is completed when both adjudication and disposition occurs (as defined below) . There are separate time frames for delinquents who are detained and those who are not. Detained means the juvenile has been taken out of the home.

**Adjudication and disposition of a petition is considered complete** upon entry of an initial order of disposition or some other dispositive order. Petitions that are waived, dismissed, transferred, placed on consent calendar, diverted, or not otherwise authorized are not reported. However, if the petition is first authorized and then waived, dismissed, transferred, placed on consent calendar or diverted, then it is reported here. See MCR 3.942(A) and 3.943(B).

Line	CASE TYPE	DL
1	Disposed 0-84 Days - Juvenile Detained	
2	Disposed 85-98 Days - Juvenile Detained	
3	Disposed +98 Days - Juvenile Detained	
4	Pending 0-84 Days - Juvenile Detained	
5	Pending 85-98 Days - Juvenile Detained	
6	Pending +98 Days - Juvenile Detained	
7	Disposed 0-119 Days - Juvenile Not Detained	
8	Disposed 120-182 Days - Juvenile Not Detained	
9	Disposed 183-210 Days - Juvenile Not Detained	
10	Disposed +210 Days - Juvenile Not Detained	
11	Pending 0-119 Days - Juvenile Not Detained	
12	Pending 120-182 Days - Juvenile Not Detained	
13	Pending 183-210 Days - Juvenile Not Detained	
14	Pending +210 Days - Juvenile Not Detained	

**Line 1:** Count the number of petitions (where a juvenile is detained) where adjudication and disposition were made within 84 days.

**Line 2:** Count the number of petitions (where a juvenile is detained) where adjudication and disposition were made from 85 to 98 days.

**Line 3:** Count the number of petitions (where a juvenile is detained) where adjudication and disposition were made after 98 days.

**Line 4:** Count the number of pending petitions (where a juvenile is detained) with an age through 84 days.

**Line 5:** Count the number of pending petitions (where a juvenile is detained) with an age from 85 to 98 days.

**Line 6:** Count the number of pending petitions (where a juvenile is detained) with an age over 98 days.

**Line 7:** Count the number of petitions (where a juvenile is not detained) where adjudication and disposition were made within 119 days.

**Line 8:** Count the number of petitions (where a juvenile is not detained) where adjudication and disposition were made from 120 to 182 days.

**Line 9:** Count the number of petitions (where a juvenile is not detained) where adjudication and disposition were made from 183 to 210 days.

**Line 10:** Count the number of petitions (where a juvenile is not detained) where adjudication and disposition were made after 210 days.

**Line 11:** Count the number of pending petitions (where a juvenile is not detained) with an age through 119 days.

**Line 12:** Count the number of pending petitions (where a juvenile is not detained) with an age from 120 to 182 days.

**Line 13:** Count the number of pending petitions (where a juvenile is not detained) with an age from 182 to 210 days.

**Line 14:** Count the number of pending petitions (where a juvenile is not detained) with an age over 210 days.

## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION E: JUVENILE

Measurement in TL citations begins on the date of first appearance and is completed when disposition occurs as defined below. First appearance date means the first hearing date that is held on the citation. If a hearing date is not present (meaning, the event occurred), then appearance date means payment date. If no payment date is present (meaning, a payable citation has had a payment applied) and the citation has not been made inactive as defined in Part 2, Section E, then the age of the citation is calculated as zero. Disposition means either: 1) entry of an initial order of disposition or some other dispositive order ; or 2) payment on the citation, whichever occurs first.

Line	CASE TYPE	TL
15	Disposed 0-63 Days	
16	Disposed 64-91 Days	
17	Disposed 92-126 Days	
18	Disposed +126 Days	
19	Pending 0-63 Days	
20	Pending 64-91 Days	
21	Pending 92-126 Days	
22	Pending+126 Days	

**Line 15:** Count the number of citations disposed within 63 days.

**Line 16:** Count the number of citations disposed from 64 to 91 days.

**Line 17:** Count the number of citations disposed from 92 to 126 days.

**Line 18:** Count the number of citations disposed after 126 days.

**Line 19:** Count the number of pending citations with an age through 63 days.

**Line 20:** Count the number of pending citations with an age from 64 to 91 days.

**Line 21:** Count the number of pending citations with an age from 92 to 126 days.

**Line 22:** Count the number of pending citations with an age over 126 days.

Measurement in DJ petitions begins on the date of designation and is completed when disposition occurs as defined in Part 2, Section E. For prosecutor designated cases, the date of designation is the same as the date of filing of the petition. For court designated cases, the date of designation is the date of the order designating the case.

Line	CASE TYPE	DJ
23	Disposed 0-154 Days	
24	Disposed 155-301 Days	
25	Disposed +301 Days	
26	Pending 0-154 Days	
27	Pending 155-301 Days	
28	Pending+301 Days	

**Line 23:** Count the number of petitions disposed within 154 days.

**Line 24:** Count the number of petitions disposed from 155 to 301 days.

**Line 25:** Count the number of petitions disposed after 301 days.

**Line 26:** Count the number of pending petitions with an age through 154 days.

**Line 27:** Count the number of pending petitions with an age from 155 to 301 days.

**Line 28:** Count the number of pending petitions with an age over 301 days.

## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION E: JUVENILE

Measurement begins on the date of case filing and is completed when disposition (as defined in Part 2, Section D) occurs. Filing means the date the petition was received by the court.

Line	CASE TYPE	PJ
29	Disposed 0-1 Day	
30	Disposed + 1 Day	
31	Disposed 0-14 Days	
32	Disposed 15-21 Days	
33	Disposed + 21 Days	
34	Pending 0-1 Day	
35	Pending + 1 Day	
36	Pending 0-14 Days	
37	Pending 15-21 Days	
38	Pending + 21 Days	

**Line 29:** Count the number of cases (filed ex parte) disposed within 1 day.

**Line 30:** Count the number of cases (filed ex parte) disposed after 1 day.

**Line 31:** Count the number of cases (not filed ex parte) disposed within 14 days.

**Line 32:** Count the number of cases (not filed ex parte) disposed from 14 to 21 days.

**Line 33:** Count the number of cases (not filed ex parte) disposed after 21 days.

**Line 34:** Count the number of pending cases (filed ex parte) with an age through 1 day.

**Line 35:** Count the number of pending cases (filed ex parte) with an age through 1 day.

**Line 36:** Count the number of pending cases (not filed ex parte) with an age through 14 days.

**Line 37:** Count the number of pending cases (not filed ex parte) with an age from 14 to 21 days.

**Line 38:** Count the number of pending cases (not filed ex parte) with an age over 21 days.

## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION F: CHILD PROTECTIVE

Measurement begins on the date the initial petition is authorized and is completed when both adjudication and disposition occurs (as defined below). There are separate time frames for children who are in placement and those who are not. For each event (i.e. adjudication, disposition, permanency planning hearing, 91 day review hearings, etc.) children are counted under either "placement" or "not in placement" based on their placement status at the time of the due date of the event. "In placement" means a child is ordered into an out-of- home placement/foster care. "Not in placement" means a child is at home.

**Adjudication and disposition of a petition is considered complete** upon entry of an initial order of disposition. Petitions that are withdrawn, dismissed, transferred, or not otherwise authorized are not reported. However, if the petition is first authorized and then withdrawn, dismissed, or transferred, then it is reported here. See MCR 3.972(A) and MCR 3.973 (C).

Line	CASE TYPE	NA	Report 1: Case Age at Disposition and Pending Case Age
1	Disposed 0-84 Days - Child in Placement		<b>Line 1:</b> Count the number of children (who are in placement) where adjudication and disposition were made within 84 days.
2	Disposed 85-98 Days - Child in Placement		<b>Line 2:</b> Count the number of children (who are in placement) where adjudication and disposition were made from 85 to 98 days.
3	Disposed +98 Days - Child in Placement		<b>Line 3:</b> Count the number of children (who are in placement) where adjudication and disposition were made after 98 days.
4	Pending 0-84 Days - Child in Placement		<b>Line 4:</b> Count the number of children for whom a petition is pending (who are in placement) with an age through 84 days.
5	Pending 85-98 Days - Child in Placement		<b>Line 5:</b> Count the number of children for whom a petition is pending (who are in placement) with an age from 85 to 98 days.
6	Pending +98 Days - Child in Placement		<b>Line 6:</b> Count the number of children for whom a petition is pending (who are in placement) with an age over 98 days.
7	Disposed 0-119 Days - Child not in Placement		<b>Line 7:</b> Count the number of children (who are not in placement) where adjudication and disposition were made within 119 days.
8	Disposed 120-182 Days - Child not in Placement		<b>Line 8:</b> Count the number of children (who are not in placement) where adjudication and disposition were made from 120 to 182 days.
9	Disposed 183-210 Days - Child not in Placement		<b>Line 9:</b> Count the number of children (who are not in placement) where adjudication and disposition were made from 183 to 210 days.
10	Disposed +210 Days - Child not in Placement		<b>Line 10:</b> Count the number of children (who are not in placement) where adjudication and disposition were made after 210 days.
11	Pending 0-119 Days - Child not in Placement		<b>Line 11:</b> Count the number of children for whom a petition is pending (who are not in placement) with an age through 119 days.
12	Pending 120-182 Days - Child not in Placement		<b>Line 12:</b> Count the number of children for whom a petition is pending (who are not in placement) with an age from 120 to 182 days.
13	Pending 182-210 Days - Child not in Placement		<b>Line 13:</b> Count the number of children for whom a petition is pending (who are not in placement) with an age from 182 to 210 days.
14	Pending +210 Days - Child not in Placement		<b>Line 14:</b> Count the number of children for whom a petition is pending (who are not in placement) with an age over 210 days.

## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION G: ADOPTIONS

Measurement begins on the date of the filing of the petition for adoption and is completed when disposition (as defined in Part 2, Section G) occurs; specifically, when the order of adoption is entered.

Line	CASE TYPE	AB, AC, AD, AF, AG, AM, AN, AO, AY*
1	Disposed 0-287 Days	
2	Disposed 288-364 Days	
3	Disposed +364 Days	
4	Pending 0-287 Days	
5	Pending 288-364 Days	
6	Pending+364 Days	

**When reporting case age, report numbers individually for each case type.**

**Line 1:** Count the number of petitions disposed within 287 days.

**Line 2:** Count the number of petitions disposed from 288 to 364 days.

**Line 3:** Count the number of petitions disposed after 364 days.

**Line 4:** Count the number of pending petitions with an age through 287 days.

**Line 5:** Count the number of pending petitions with an age of 288 to 364 days.

**Line 6:** Count the number of pending petitions with an age over 364 days.

\*Do not include petitions for rescission here. Use Lines 7 through 10 below instead.

Measurement begins on the date of the filing of the petition for rescission and is completed when disposition (as defined in Part 2, Section G) occurs.

Line	CASE TYPE	AY
7	Disposed 0-91 Days	
8	Disposed +91 Days	
9	Pending 0-91 Days	
10	Pending +91 Days	

**Line 7:** Count the number of petitions disposed within 91 days.

**Line 8:** Count the number of petitions disposed after 91 days.

**Line 9:** Count the number of pending petitions with an age through 91 days.

**Line 10:** Count the number of pending petitions with an age over 91 days.

## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION H: MISCELLANEOUS FAMILY

Measurement begins on the date of case filing and is completed when disposition (as defined in Part 2, Section H) occurs.

**When reporting case age, report numbers individually for each case type.**

Line	CASE TYPE	EM, ID, NC
1	Disposed 0-91 Days	
2	Disposed +91 Days	
3	Pending 0-91 Days	
4	Pending + 91 Days	

**Line 1:** Count the number of cases disposed within 91 days.

**Line 2:** Count the number of cases disposed after 91 days.

**Line 3:** Count the number of pending cases with an age through 91 days.

**Line 4:** Count the number of pending cases with an age over 91 days.

Line	CASE TYPE	PW
5	Disposed 0-5 Days	
6	Disposed + 5 Days	
7	Pending 0-5 Days	
8	Pending + 5 Days	

**Line 5:** Count the number of cases disposed within 5 days.

**Line 6:** Count the number of cases disposed after 5 days.

**Line 7:** Count the number of pending cases with an age through 5 days.

**Line 8:** Count the number of pending cases with an age over 5 days.

Line	CASE TYPE	NB
9	Disposed 0-273 Days	
10	Disposed + 273 Days	
11	Pending 0-273 Days	
12	Pending + 273 Days	

**Line 9:** Count the number of cases disposed within 273 days.

**Line 10:** Count the number of cases disposed after 273 days.

**Line 11:** Count the number of pending cases with an age through 273 days.

**Line 12:** Count the number of pending cases with an age over 273 days.

## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION H: MISCELLANEOUS FAMILY

Measurement begins on the date of case filing and is completed when disposition (as defined in Part 2, Section H) occurs.

Line	CASE TYPE	PP, PH
13	Disposed 0-1 Day	
14	Disposed + 1 Day	
15	Disposed 0-14 Days	
16	Disposed 15-21 Days	
17	Disposed + 21 Days	
18	Pending 0-1 Day	
19	Pending + 1 Day	
20	Pending 0-14 Days	
21	Pending 15-21 Days	
22	Pending + 21 Days	

**When reporting case age, report numbers individually for each case type.**

**Line 13:** Count the number of cases (filed ex parte) disposed within 1 day.

**Line 14:** Count the number of cases (filed ex parte) disposed after 1 day.

**Line 15:** Count the number of cases (not filed ex parte) disposed within 14 days.

**Line 16:** Count the number of cases (not filed ex parte) disposed from 14 to 21 days.

**Line 17:** Count the number of cases (not filed ex parte) disposed after 21 days.

**Line 18:** Count the number of pending cases (filed ex parte) with an age through 1 day.

**Line 19:** Count the number of pending cases (filed ex parte) with an age through 1 day.

**Line 20:** Count the number of pending cases (not filed ex parte) with an age through 14 days.

**Line 21:** Count the number of pending cases (not filed ex parte) with an age from 14 to 21 days.

**Line 22:** Count the number of pending cases (not filed ex parte) with an age over 21 days.



## CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

### SECTION I: ANCILLARY PROCEEDINGS (GUARDIANSHIPS, CONSERVATORSHIPS)

Measurement begins on the date of the joining of the contested matter and is completed when the matter is resolved. A contested matter is joined when an objection is filed. A contested matter is any matter within a case where the following applies: 1) a competing petition has been filed; 2) any written responsive pleading requesting relief, no matter how titled, has been filed (this includes written objections under MCR 5.119); and 3) any other situation where the court deems the matter to be contested.

Line	CASE TYPE	CA, CY, DD, GA, GL, GM, LG, PO
1	Disposed 0-182 Days	
2	Disposed 183-273 Days	
3	Disposed 274-364 Days	
4	Disposed + 364 Days	
5	Pending 0-182 Days	
6	Pending 183-273 Days	
7	Pending 274-364 Days	
8	Pending +364 Days	

#### When reporting case age, report numbers individually for each case type.

**Line 1:** Count the number of contested matters resolved within 182 days of the filing of the objection.

**Line 2:** Count the number of contested matters resolved from 183 to 273 days of the filing of the objection.

**Line 3:** Count the number of contested matters resolved from 274 to 364 days of the filing of the objection.

**Line 4:** Count the number of contested matters resolved after 364 days of the filing of the objection.

**Line 5:** Count the number of contested matters with an age through 182 days of the filing of the objection.

**Line 6:** Count the number of contested matters with an age from 183 to 273 days of the filing of the objection.

**Line 7:** Count the number of contested matters with an age from 274 to 364 days of the filing of the objection.

**Line 8:** Count the number of contested matters with an age over 364 days of the filing of the objection.

CIRCUIT COURT CASELOAD - PART 4: CASE AGE AT DISPOSITION AND PENDING CASE AGE

SECTION I: ANCILLARY PROCEEDINGS (ADMISSION, MENTAL COMMITMENTS)

Measurement begins on the date of the filing of the petition and is completed when disposition (as defined in Part 2, Section I) occurs.

Line	CASE TYPE	MI, JA
1	Disposed 0-14 Days	
2	Disposed 15-28 Days	
3	Disposed +28 Days	
4	Pending 0-14 Days	
5	Pending 15-28 Days	
6	Pending +28 Days	

**When reporting case age, report numbers individually for each case type.**

**Line 1:** Count the number of petitions disposed within 14 days.

**Line 2:** Count the number of petitions disposed from 15 to 28 days.

**Line 3:** Count the number of petitions disposed after 28 days.

**Line 4:** Count the number of petitions with an age through 14 days.

**Line 5:** Count the number of petitions with an age from 15 to 28 days.

**Line 6:** Count the number of petitions with an age over 28 days.



**Michigan Supreme Court  
State Court Administrative Office**

P.O. Box 30048  
Lansing, MI 48909  
Phone: (517) 373-0130 Fax: (517) 373-2112  
John D. Ferry, Jr., State Court Administrator

**Memorandum**

DATE: June 28, 2004

TO: Chief Judges  
cc: Court Administrators, Case Management System Providers

FROM: Laura Hutzal, Research and Policy Analyst

RE: Uploading Data to the Caseload Reporting System

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As you may be aware, almost every trial court has the option to electronically upload caseload data from their case management system to the Caseload Reporting System. Compared to manually entering caseload data, the uploading process is relatively short. Both methods, uploading or manually entering, allow the data to be modified after it is uploaded or entered.

For the fourth quarter of 2004, however, two-thirds of the trial courts choose to manually enter their caseload data instead of uploading it. With the implementation of Part 4 of the Caseload Reporting System, which will require annual data for each judge, the time required to manually enter caseload data will increase. With a few steps, most trial courts could upload their caseload data and save staff time.

If you are interested in using the upload process and need technical assistance, I would encourage you to contact your case management system provider who should be able to assist in this process.

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Reporting of Suspected Abuse or Neglect	Oral report must be made immediately. Written report must be filed with the FIA within 72 hours of the oral report.	MCL 722.623(1)(a)	None	None
Investigating Suspected Abuse or Neglect	Report must be referred to the appropriate agency and/or an investigation must be commenced within 24 hours.	MCL 722.628(1), (6), and (7)	None	None
Mandatory Petitions in Cases of Severe Physical or Sexual Abuse	FIA must file petition within 24 hours after determining that child was severely physically injured or sexually abused.	MCL 722.637	None	None
Preliminary Inquiry	May be conducted at any time. There is no notice requirement.	MCR 3.962(A)	None	None
Preliminary Hearing	<p><b>ASFA Requirement.</b> Court must make a finding in the first court order removing a child that remaining in the home would be contrary to the child's welfare.</p> <p>Hearing must commence within 24 hours after child is taken into protective custody, excluding Sundays and holidays, unless adjourned for good cause shown, or child must be released.</p>	<p>45 CFR 1356.21(c), MCR 3.963(B)(2), and MCR 3.965(C)(2)</p> <p>MCR 3.965(A)(1)</p>	<p>None</p> <p>Page 11 - Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities</p>	<p>None</p> <p>None</p>

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Preliminary Hearing cont'd.	Notice of hearing must be given to the parent in person, in writing, on the record, or by telephone as soon as the hearing is scheduled.	MCR 3.920(C)(2)(b)	None	None
Removal Hearing for Indian Child	<p>Following emergency removal, court must complete a removal hearing within 28 days of removal.</p> <p>In other cases, a removal hearing must be conducted prior to removal.</p> <p>A removal hearing may be combined with any other hearing.</p> <p>If the removal hearing is not combined with a preliminary hearing, at least seven days' notice in writing or on record must be given to the respondent; respondent's attorney; child's lawyer-guardian ad litem; child's parents, guardian, or legal custodian, if any, other than respondent; the petitioner; a party's guardian ad litem; and any other person the court directs to be notified.</p>	<p>MCR 3.980(C)(1)</p> <p>MCR 3.980(C)(2)</p> <p>MCR 3.980(C)(4)</p> <p>MCR 3.920(C)(1) and MCR 3.921(B)(1)</p>	<p>Page 11 - Intermediate Event Standards,</p> <p>Page 14 – Date Certainty and Credibility,</p> <p>Page 16 – Court Control of Adjournments,</p> <p>Pages 18 and 19 – Identifying and Monitoring Meaningful Events,</p> <p>Pages 26, 27, and 28 – Staff Responsibilities</p>	None
Identification of Appropriate Relative Placement	The supervising agency must identify, locate, and consult with the child's relatives within 30 days of the child's removal to determine appropriate placement.	MCL 722.954a(2)	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Identification of Appropriate Relative Placement cont'd.	Within 90 days of removal, the supervising agency must make and document in writing its placement decision and provide written notice of the decision to the child's lawyer-guardian ad litem, guardian, guardian ad litem, mother, father, the attorneys for the mother and father, each relative who expresses an interest in caring for the child, the child if he or she is old enough to express an opinion regarding placement, and the prosecuting attorney.	MCL 722.954a(2)(a)-(b)	None	None
Determination of Reasonable Efforts to Prevent Child's Removal	<b>ASFA requirement.</b> Court must make determination no later than 60 days after the date of removal.	45 CFR 1356.21(b)(1)(i) and MCR 3.965(D)(1)	Page 11 - Intermediate Event Standards, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
Initial Service Plan, Criminal Record Check, Central Registry Clearance, and Home Study	The agency must complete an initial service plan within 30 days of placement.	MCR 3.965(E)(1) and MCL 712A.13a(8)(a)	Page 11 - Intermediate Event Standards, Pages 18 through 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None  None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Initial Service Plan, Criminal Record Check, Central Registry Clearance, and Home Study cont'd.	If the child is placed in a relative's home, the FIA must conduct a criminal record check and central registry clearance before or within seven days of placement, and the FIA must submit a home study to the court within 30 days of placement.	MCL 712A.13a(9)	Same as above	None
	The court may order FIA to report the results of a criminal record check and central registry clearance to the court before or within seven days after placement.	MCR 3.965(C)(4)(a)	Same as above	None
	The court must order FIA to submit a copy of the home study to the court within 30 days after placement.	MCR 3.965(C)(4)(b)	Same as above	
Review of Placement Order and Initial Service Plan	Persons notified of the initial placement decision may request written documentation of the determination within five days of the notice.	MCL 712A.13a(12) and MCR 3.966(A)	None	None
	A lawyer-guardian ad litem may petition the court for review within 14 days after the date of the written placement decision, and a review hearing on the record must commence within seven days after the petition is filed.	MCR 3.922(C) and MCR 2.119(C)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Review of Placement Order and Initial Service Plan cont'd.	At least seven days' notice in writing or on record must be given to the respondent; respondent's attorney; child's lawyer-guardian ad litem; child's parents, guardian, or legal custodian, if any, other than respondent; the petitioner; a party's guardian ad litem; and any other person the court directs to be notified.	MCR 3.920(C)(1) and MCR 3.921(B)91)	None	None
Review of Supervising Agency's Initial Placement Determination	Court must review custody order, placement order, or initial service plan when a motion is made or filed by a party.	MCR 3.966(B)(1)(d) and MCL 722.954a(3)	Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	Personal service of a written motion must be made at least seven days before hearing, and of the response at least three days before hearing. If service is by mail, add two days to these deadlines. For good cause, court may set different periods for filing and serving motions.	MCR 3.966(B)(2)-(3) and MCL 722.954a(3)	None	None
	If a hearing is held, at least 7 days' notice in writing or on record must be given to respondent; respondent's attorney; child's lawyer-guardian ad litem; child's parents, guardian, or legal custodian, if any, other than respondent; the petitioner; a party's guardian ad litem; and any other person the court directs to be notified.	MCR 3.920(C)(1) and MCR 3.921(B)91)	None	None



## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Review of Change of Child's Foster Care Placement	Unless the foster parent requests or agrees to the change in placement or the court orders the child returned home, removal must occur less than 30 days after the child's initial removal from home, or less than 90 days if the new placement is with a relative. Supervising agency must maintain placement for at least three days or until the Foster Care Review Board makes its determination if foster parent appeals. Removal may occur at any time the supervising agency has reasonable cause to suspect sexual abuse, nonaccidental physical injury, or substantial risk of harm to the child's emotional well-being.	MCL 712a.13b(1)(b), (2), and (7)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	Supervising agency must notify SCAO and foster parents prior to removal. Supervising agency must only notify SCAO of emergency removal.	MCL 712A.13b(2)(a)-(c)	None	None
	Foster parents may appeal to the FCRB within three days of notice of the intended move, and the FCRB must investigate and report to the court or MCI superintendent, foster parents, parents, and supervising agency within three days after receipt of the appeal.	MCL 712A.13b(2)(b) and (3)	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Review of Change of Child's Foster Care Placement cont'd.	If necessary, the court must set a hearing no sooner than seven or later than 14 days after notice from the FCRB. Notice of hearing must be given to the foster parents, interested parties, and prosecuting attorney (if he or she has appeared).	MCR 3.966(C)(2)(a)-(b) and MCL 712A.13b(5)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	MCI superintendent must make a decision regarding the child's placement within 14 days after notice from the FCRB.	MCL 712A.13b(5)	None	None
Demand for Jury Trial	Written demand for jury trial shall be filed within 14 days after court gives notice of the right to jury trial or 14 days after an appearance by an attorney or lawyer-guardian ad litem, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.	MCR 3.911(B)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
Demand for Trial by Judge (Rather than Referee)	Written demand for trial by judge rather than referee shall be filed within 14 days after court gives notice of the right to trial by a judge or 14 days after an appearance by an attorney or lawyer-guardian ad litem, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.	MCR 3.912(B)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Motions to Suppress Evidence	Personal service of motion must be made at least seven days before hearing, and of the response at least three days before hearing. If service is by mail, add two days to these deadlines. For good cause, court may set different periods for filing and serving motions.	MCR 3.922(C) and MCR 2.119(C)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	If a hearing is held, at least seven days' notice in writing or on record must be given to the respondent; respondent's attorney; child's lawyer-guardian ad litem; child's parents, guardian, or legal custodian, if any, other than respondent; the petitioner; a party's guardian ad litem; and any other person the court directs to be notified.	MCR 3.920(C)(1) and MCR 3.921(B)(1)	None	None
Notice of Intent to Use Alternative Procedures to Obtain Testimony or to Admit Hearsay Statements under MCR 3.972(C)(2)	Within 21 days after notice of trial date, but no later than seven days before trial, proponent must file with the court and serve all parties written notice of intent to use alternative procedures or admit hearsay statements.	MCR 3.922(E)(1)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	Within seven days after receipt of notice, but no later than two days before trial, nonproponent parties must provide written notice to court of intent to offer rebuttal testimony or evidence in opposition to the	MCR 3.922(E)(2)	Same as above	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Notice of Intent to Use Alternative Procedures to Obtain Testimony or to Admit Hearsay Statements under MCR 3.972(C)(2) cont'd.	<p>proponent's request and identify any witnesses to be called.</p> <p>The court may shorten these time periods for good cause shown.</p>	MCR 3.922(E)(3)	Same as above	None
Trial	<p>If the child is not in placement, trial must be held within six months after the filing of the petition unless adjourned for good cause. If the child is in placement, trial must commence as soon as possible but no later than 63 days after the child is placed by the court unless the trial is postponed on stipulation of the parties, because process cannot be completed, or because the court finds that the testimony of a witness presently unavailable is needed.</p> <p>At least seven days' notice in writing or on record must be given to the respondent; respondent's attorney; child's lawyer-guardian ad litem; child's parents,</p>	<p>MCR 3.972(A)</p> <p>MCR 3.920(C)(1) and MCR 3.921(B)(1)</p>	<p>Page 11 - Intermediate Event Standards, Pages 14 and 15 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 23 through 25 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities Pages 29 through 36 – Types of Caseflow Management Reports</p> <p>None</p>	<p>None</p> <p>None</p>

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Trial cont'd.	<p>guardian, or legal custodian, if any, other than respondent; the petitioner; a party's guardian ad litem; and any other person the court directs to be notified.</p> <p>A summons must be served on a respondent. A summons may be served on a person with physical custody of the child directing such person to appear with the child. A parent, guardian, or legal custodian who is not a respondent must be served with notice of hearing as provided in the paragraph above.</p>	MCR 3.920(B)(2) and (F)	None	None
	<p>Personal service is required at least seven days before trial. If personal service is impracticable or cannot be achieved, the court may direct service in any manner reasonably calculated to give notice and an opportunity to be heard, including publication. If summons is served by registered mail, it must be sent at least 14 days before trial, or 21 days if the person is not a Michigan resident.</p>	MCR 3.920(B)(4)(a)-(b) and MCR 3.920(B)(5)(a)-(b)	None	None
	<p>If service is by publication, notice must appear in a newspaper where the party resides, if known, or in the county where the action is pending, at least once 14 days before trial.</p>	MCR 3.920(B)(4)(b) and MCR 3.920(B)(5)(c)	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Rehearings or Motions for New Trial	Written motion must be filed within 21 days after the date of the order resulting from the hearing or trial. Court may entertain untimely motion for good cause shown. Written response must be filed with the court and parties within seven days of motion.	MCR 3.992(A) and (C)	Page 11 - Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	At least seven days’ notice of the motion or hearing, if held, in writing or on record must be given to the respondent; respondent’s attorney; child’s lawyer-guardian ad litem; child’s parents, guardian, or legal custodian, if any, other than respondent; the petitioner; a party’s guardian ad litem; and any other person the court directs to be notified.	MCR 3.920(C)(1) and MCR 3.921(B)(1)	None	None
Case Service Plans	The FIA must prepare a Case Service Plan before the court enters an order of disposition. The plan must be made available to the parties and court.	MCL 712A.18f(2)	Page 22 – Identifying and Monitoring Meaningful Events	None
	Foster parent must be given copies of all Initial Service Plans, updated service plans, revised service plans, court orders, and medical, educational, and mental health reports, including reports made prior to child’s placement, within 10 days of a written request from the provider.	MCL 712A.13a(13)	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Case Service Plans cont'd.	The Case Service Plan must be updated every 90 days as long as the child remains in placement.	MCL 712A.18f(5)	None	None
Initial Dispositional Hearings*  * If termination is requested at the initial dispositional hearing, see notice requirements in "Hearings to Terminate Parental Rights, page 20.	<p>The interval between trial and disposition is discretionary with the court, but if the child is in placement, the interval may not be more than 35 days, except for good cause.</p> <p>*If termination is requested in the original or amended petition, an expedited permanency planning hearing must be held within 28 days of adjudication (trial). This hearing replaces the initial dispositional hearing.</p> <p>Unless the dispositional hearing is held immediately after trial or plea, notice of hearing may be given by scheduling it on the record in the presence of the parties or in accordance with MCR 3.920.</p> <p>If the child was diagnosed with failure to thrive, Munchausen Syndrome by Proxy, Shaken Baby Syndrome, a bone fracture</p>	<p>MCR 3.973(C), MCR 3.976(B)(1), and MCL 712A.19a(2)</p> <p>MCR 3.973(B)</p> <p>MCL 712A.18f(7)</p>	<p>Page 11 –Disposition Time Guidelines, Pages 14 and 15 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities, Pages 29 through 36 – Types of Caseflow Management Reports</p> <p>None</p> <p>None</p>	<p>Part 4, Section F, Reports 1, 2a, and 2b, pages 48 and 49</p> <p>Compliance with time guidelines is based on the entry of the order following the hearing, not the date the hearing was held.</p> <p>None</p> <p>None</p>

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Initial Dispositional Hearings cont'd.	diagnosed as the result of abuse or neglect, or drug exposure, each of the child's physicians must be notified of the time and place of the hearing.			
Review of Referee's Recommended Findings and Conclusions	<p>Request for review must be filed within seven days after the inquiry or hearing or seven days after issuance of referees' recommendations, whichever is later, and served on interested parties, and a response may be filed within seven days after the filing of the request for review.</p> <p>Absent good cause for delay, the judge must consider the request within 21 days after it is filed if child is in placement.</p>	<p>MCR 3.991(B)(3) and (4), and MCR 3.991(C)</p> <p>MCR 3.991(D)</p>	<p>None</p> <p>Page 12 – Post Disposition Time Guidelines, Pages 18, 19, and 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities</p>	<p>None</p> <p>None</p>
Dispositional Review Hearings when Child is Placed in Foster Care	The court must conduct review hearings no later than every 91 days after the original dispositional order as long as the child remains subject to the jurisdiction, control, or supervision of the court, MCI, or other agency.	MCR 3.975(C)(1) and MCL 712A.19(3)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 –	<p>Part 4, Section F, Report 3, page 50</p> <p>Compliance with time guidelines is based on the</p>



## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Dispositional Review Hearings when Child is Placed in Foster Care cont'd.	<b>ASFA requirement.</b> Reviews of child's status must occur at least every six months.	45 CFR 1355.34(c)(2)(ii)	Staff Responsibilities, Pages 29 through 36 – Types of Caseflow Management Reports	completion of the hearing, not the date the hearing was scheduled or started.
*See also provisions for review of children in permanent foster family or relative placements, page 20.	At the initial disposition hearing and every review hearing, the court must decide whether it will accelerate the date for the next scheduled review hearing.	MCR 3.975(D) and MCL 712A.19(3)	Same as above	None
	Seven days' written notice to the agency responsible for child's care and supervision; person or institution having court-ordered custody of child; parents and attorney for respondent-parent (if parental rights have not been terminated); a guardian or legal custodian of child; guardian ad litem; child's lawyer-guardian ad litem; a "nonparent adult" (if ordered to comply with Case Service Plan); elected leader of the Indian tribe (if tribal affiliation has been determined); attorneys for each party; prosecuting attorney (if she or he has appeared); the child (if 11 years of age or older); and other persons as the court may direct.	MCR 3.975(B), MCR 3.921(B)(2), and MCL 712A.19(5)	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Dispositional Review Hearings when Child is Placed in Foster Care cont'd.	If the child was diagnosed with failure to thrive, Munchausen Syndrome by Proxy, Shaken Baby Syndrome, a bone fracture diagnosed as the result of abuse or neglect, or drug exposure, each of the child's physicians must be notified of the time and place of the hearing.	MCL 712A.18f(7)	None	None
	If at least seven days' written notice is given to all parties (unless waived), and if no party requests a hearing within the seven days, the child may be returned home without a hearing.	MCR 3.975(H) and MCL 712A.19(10)	None	None
Progress Reviews for Children Remaining in Home	Court must review child's progress no later than 182 days after the initial dispositional order or 182 days after child returns home from foster care.	MCR 3.974(A)(2)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities, Pages 29 through 36 – Types of Caseflow Management Reports	None
Emergency Removal Hearing	Court must conduct hearing no later than 24 hours after child is taken into custody, excluding Sundays and holidays.	MCR 3.974(B)(3)	Page 12 – Post Disposition Time Guidelines, Pages 18, 19, and 22 –	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Emergency Removal Hearing cont'd.	If the child is in placement, a dispositional review hearing must be commenced no later than 14 days after placement, except for good cause shown.	MCR 3.974(C)	Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities, Pages 29 through 36 – Types of Caseflow Management Reports  Same as above	None
	Notice of the initial hearing must be given to the parent in person, in writing, on the record, or by telephone as soon as the hearing is scheduled.	MCR 3.974(B)(2) and MCR 3.920(C)(2)(b)	None	None
	Seven days' written or record notice to the agency responsible for child's care and supervision; person or institution having court-ordered custody of child; parents and attorney for respondent-parent (if parental rights have not been terminated); a guardian or legal custodian of child; guardian ad litem; child's lawyer-guardian ad litem; a "nonparent adult" (if ordered to comply with Case Service Plan); elected leader of the Indian tribe (if tribal	MCR 3.974(C), MCR 3.921(B)(2), and MCL 712A.19(5)	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Emergency Removal Hearing cont'd.	affiliation has been determined); attorneys for each party; prosecuting attorney (if she or he has appeared); the child (if 11 years of age or older); and other persons as the court may direct.			
Permanency Planning Hearing	If a court has found that a parent has subjected a child or sibling to abuse that includes one or more of the circumstances listed in MCL 712A.19a(2), or that the parent's rights to another child were terminated involuntarily, and the court determines that reasonable efforts to reunify the family are not required, the court must conduct a permanency planning hearing within 28 days after a petition has been adjudicated. This hearing replaces the initial dispositional hearing.	MCR 3.976(B)	Page 12 –Post Disposition Time Guidelines, Pages 14 and 15 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities, Pages 29 through 36 – Types of Caseflow Management Reports	Part 4, Section F, Reports 1 and 2a, pages 48 and 49  Compliance with time guidelines is based on the entry of the order following the hearing, not the date the hearing was held.
	In other cases, court must conduct permanency planning hearings no later than 364 days after an original petition is filed, and, beginning one year after the original permanency planning hearing, every year thereafter during the continuation of foster care.	MCR 3.976(B)(2)-(3) and MCL 712A.19a(1)	Same as above	Part 4, Section F, Report 4  Compliance with time guidelines is based on the

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Permanency Planning Hearing cont'd.	<p><b>ASFA requirements.</b> A permanency hearing must be conducted within 12 months after the child enters foster care and every 12 months thereafter during the continuation of foster care. In cases involving “aggravated circumstances,” a permanency hearing must be conducted within 30 days of a determination that reasonable efforts to reunify a family are not required. Agency must obtain a judicial determination that it has made reasonable efforts to finalize a permanency plan within 12 months of a child’s entry into foster care and every 12 months thereafter during the continuation of foster care.</p>	45 CFR 1355.34(c)(2)(iii), 45 CFR 1356.21(b)(2) and (h)	Same as above	<p>completion of the hearing, not the date the hearing was scheduled or started.</p> <p>See above</p>
	Supervising agency must strive to achieve a permanent placement within 12 months of removal.	MCL 722.954b(1)	None	None
	14 days’ written notice to the agency responsible for child’s care and	MCR 3.976(C), 3.920(C)(3)(a),	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Permanency Planning Hearing cont'd.	supervision; person or institution having court-ordered custody of child; parents and attorney for respondent-parent (if parental rights have not been terminated); a guardian or legal custodian of child; guardian ad litem; child's lawyer-guardian ad litem; a "nonparent adult" (if ordered to comply with Case Service Plan); elected leader of the Indian tribe (if tribal affiliation has been determined); attorneys for each party; prosecuting attorney (if she or he has appeared); the child (if 11 years of age or older); and other persons as the court may direct.	3.921(B)(2), and MCL 712A.19a(5)		
	If the child was diagnosed with failure to thrive, Munchausen Syndrome by Proxy, Shaken Baby Syndrome, a bone fracture diagnosed as the result of abuse or neglect, or drug exposure, each of the child's physicians must be notified of the time and place of the hearing.	MCL 712A.18f(7)	None	None
	If child is not returned home following hearing, the agency must initiate termination proceedings within 42 days after the hearing, unless the court finds that initiating termination proceedings is clearly not in the child's best interests.	MCR 3.976(E)(2) and MCL 712A.19a(7)	None	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Dispositional Review Hearings when Child is in Permanent Foster Family Agreement or Permanent Placement with Relative	The court must hold review hearings not more than 182 days after the first permanency planning hearing and every 182 days thereafter as long as the child is subject to the jurisdiction, control, or supervision of the court, MCI, or other agency.	MCR 3.975(C)(2) and MCL 712A.19(4)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
	Upon motion of a party or the court, the court may accelerate the date for the next scheduled review hearing.	MCR 3.975(D) and MCL 712A.19(4)	None	None
Hearings to Terminate Parental Rights	<b>ASFA requirements.</b> Petition must be filed within 60 days after a court determines that a child has been subjected to “aggravated circumstances” or if a child has been in foster care 15 of the last 22 months unless the child is being cared for by a relative, a compelling reason exists that petitioning is not in the child’s best interest, or the state has not provided the family services necessary for the child’s safe return home.	45 CFR 1356.21(h) and (i)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	Court must conduct termination hearing within 42 days of filing of supplemental petition, but court may extend time for 21 days for good cause shown.	MCR 3.977(F)(2) and (G)(1)(b)	Same as above	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Hearings to Terminate Parental Rights cont'd.	14 days' written notice to the agency responsible for child's care and supervision; person or institution having court-ordered custody of child; parents and attorney for respondent-parent (if parental rights have not been terminated); a guardian or legal custodian of child; guardian ad litem; child's lawyer-guardian ad litem; a "nonparent adult" (if ordered to comply with Case Service Plan); elected leader of the Indian tribe (if tribal affiliation has been determined); attorneys for each party; prosecuting attorney (if she or he has appeared); the child (if 11 years of age or older); and other persons as the court may direct.	MCR 3.977(C), 3.920(C)(3)(b), 3.921(B)(2)-(3), and MCL 712A.19b(2)	None	None
	A respondent must be personally served with a summons. A summons may be served on a person with physical custody of the child directing such person to appear with the child. A parent, guardian, or legal custodian who is not a respondent must be served with notice of hearing as provided in the paragraph above.	MCL 712A.12, MCL 712A.13, MCR 3.920(B)(2)(b), and MCR 3.920(F)	None	None
	Personal service is required at least 14 days before hearing. If personal service is impracticable or cannot be achieved, the court may direct service in any manner	MCR 3.920(B)(4)(a)-(b) and 3.920(B)(5)(a)-(b)	None	None



## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Hearings to Terminate Parental Rights cont'd.	<p>reasonably calculated to give notice and an opportunity to be heard, including publication. If summons is served by registered mail, it must be sent at least 14 days before trial, or 21 days if the person is not a Michigan resident.</p> <p>If service is by publication, notice must appear in a newspaper where the party resides, if known, or in the county where the action is pending, at least once 14 days before trial.</p> <p>If it does not issue a decision on the record, the court must issue opinion and order within 70 days of the commencement of the initial hearing on termination of parental rights petition. Failure to issue opinion within 70 days does not dismiss petition, however.</p>	<p>MCR 3.920(B)(4)(b) and 3.920 (5)(c)</p> <p>MCR 3.977(H)(1) and MCL 712A.19b(1)</p>	<p>None</p> <p>Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities</p>	<p>None</p> <p>None</p>
Post-Termination of Parental Rights Review Hearing	Unless the child is placed in a permanent foster family or a placement with a relative intended to be permanent, the court must conduct hearings at least every 91 days following termination of parental rights as long as the child remains subject to the jurisdiction, control, or supervision of the court, the Michigan Children's	MCR 3.978(A) and MCL 712A.19c(1)-(2)	Page 12 –Post Disposition Time Guidelines, Pages 14 and 15 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments,	Part 4, Section F, Report 3, page 50 Compliance with time guidelines is based on the completion of

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Post-Termination of Parental Rights Review Hearing cont'd.	Institute, or other agency.		Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities, Pages 29 through 36 – Types of Caseflow Management Reports	the hearing, not the date the hearing was scheduled or started.
	Foster parents and pre-adoptive parents or relatives providing care must be given notice of and an opportunity to be heard at each hearing.	MCR 3.978(B)	None	None
	Supervising agency must submit information to place the child in the adoption directory if an adoptive family is not identified within 90 days of the entry of the order terminating parental rights.	MCL 722.954b(2) and MCL 722.958	None	None
Appeals Following Termination of Parental Rights	Request for appellate counsel must be made within 14 days after notice of the order terminating parental rights is given.	MCR 3.977(I)(1)(c)	Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	If a request for appellate counsel is timely made and the court finds that the respondent is financially unable to provide	MCR 3.977(I)(2)(a)	Same as above	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Appeals Following Termination of Parental Rights cont'd.	<p>an attorney, the court shall appoint an attorney within 14 days after the respondent's request is filed.</p> <p>In a case involving the termination of parental rights, the court must enter the order appointing appellate counsel on a form approved by the State Court Administrative Office entitled "Claim of Appeal and Order Appointing Counsel." The court must immediately send to the Court of Appeals a copy of the Claim of Appeal and Order Appointing Counsel, a copy of the judgment or order being appealed, and a copy of the complete register of actions in the case. The court must also file in the Court of Appeals proof of having made service of the Claim of Appeal and Order Appointing Counsel on the respondent(s), appointed counsel for the respondent(s), the court reporter(s) or recorder(s), petitioner, the prosecuting attorney, the lawyer-guardian ad litem for the child(ren) under MCL 712A.13a(1)(f), and the guardian ad litem or attorney (if any) for the child(ren). Entry of the order by the trial court pursuant to this subrule constitutes a timely filed claim of appeal for the purposes of MCR 7.204.</p>	MCR 3.977(2)(b)	Same as above	None

## Process for Child Protective Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Appeals Following Termination of Parental Rights cont'd.	An appeal of right in a civil action must be taken within 14 days after entry of an order of the family division of the circuit court terminating parental rights, or entry of an order denying a motion for new trial, rehearing, reconsideration, or other postjudgment relief from an order terminating parental rights, if the motion was filed within the initial 14-day appeal period or within further time the trial court may have allowed during that period.	MCR 3.993(A)(2) and MCR 7.204(A)(1)	None	None
	Application for leave to appeal may not be granted if filed more than 63 days after entry of the order terminating parental rights or 63 days after entry of an order denying motion for rehearing.	MCR 3.993(C)(2) and MCR 7.205(F)(5)	None	None
	In the Michigan Supreme Court, after a decision by the Court of Appeals, application for leave to appeal must be filed within 28 days after the clerk mails notice of an order entered by the Court of Appeals, the filing of the Court of Appeals opinion appealed from, or the mailing of an order denying a timely filed motion for rehearing.	MCR 7.302(C)(2)	None	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Preliminary Inquiry	May be conducted at any time. Except as stated below, no notice to parties is required.	MCL 712A.11(1) and MCR 3.932(A)	None	None
	If the alleged offense falls under the Crime Victim's Rights Act, the court must give written notice to the prosecuting attorney of the court's intent to remove the case from the adjudicative process. The prosecuting attorney must notify victim(s).	MCL 780.786b and MCR 3.932(B)	None	None
Diversion Conference	The Juvenile Diversion Act may be used prior to the authorization of a petition. Law enforcement official or court intake worker must notify minor and his or her parent, guardian, or custodian of the time and place of a proposed diversion conference. If no diversion agreement is reached during the conference, a petition may be filed within 30 days of the conference.	MCL 722.823(1) and MCL 722.825(1) and (4)	None	None
	If the alleged offense falls under the Crime Victim's Rights Act, the court must give written notice to the prosecuting attorney of the court's intent to remove the case from the adjudicative process. The prosecuting attorney must notify victim(s).	None	None	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Consent Calendar Proceeding	With the consent of the juvenile and parent, guardian, or legal custodian, the consent calendar may be used following receipt of a citation or petition. No formal notice to the parties is required.	MCR 3.932(C)	Page 11 – Intermediate Event Standards, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
	If the alleged offense falls under the Crime Victim’s Rights Act, the court must give written notice to the prosecuting attorney of the court’s intent to remove the case from the adjudicative process. The prosecuting attorney must notify victim(s).	MCL 780.786b	None	None
Preliminary Hearing (When Juvenile is in Custody)	If juvenile is in custody, hearing must be held within 24 hours, excluding Sundays and holidays. As soon as hearing is scheduled, notice must be given in person, on record, or by phone to juvenile and his or her parent.	MCR 3.935(A)(1) and 3.920(C)(2)(a)	Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Preliminary Hearing (When Juvenile is in Custody) cont'd.	Hearing may be adjourned for up to 14 days to secure attendance of juvenile's parent or witnesses, or for other good cause shown.	MCR 3.935(A)(2)	Same as above	None
	Hearing may be adjourned up to 5 days if juvenile is charged with a specified juvenile violation.	MCR 3.935(A)(3)	Same as above	None
Preliminary Hearing (When Juvenile is not in Custody)	If juvenile is not in custody, there is no time requirement. However, at least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.	MCR 3.920(C)(1) and 3.921(A)(1)	Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
Motion to Amend Petition to Designate Case or Request Court to Designate Case for Criminal Trial in Family Division	Prosecutor may amend the petition by right during the preliminary hearing, or by leave of court no later than a pretrial hearing. If no pretrial hearing is held, prosecutor may request leave to amend no later than 21 days before trial, absent good cause for further delay. Court may allow amendment in interest of justice.	MCR 3.951(A)(3) and 3.951(B)(3)	Page 11 – Intermediate Event Standards, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Motion to Amend Petition to Designate Case or Request Court to Designate Case for Criminal Trial in Family Division cont'd.	If a hearing is required, 7 days' written or record notice to juvenile, custodial parent, guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.	MCR 3.920(C)(1) and 3.921(A)(1)	None	None
Designation Hearing	<p>Hearing must be commenced within 14 days after arraignment, unless adjourned for good cause.</p> <p>7 days' notice of the time, date, and place of hearing may be given orally on record to juvenile and his or her parent, guardian, or legal custodian, the juvenile's attorney, and the prosecutor, or in writing, served on each individual by mail or other manner reasonably calculated to provide notice.</p>	<p>MCR 3.952(A)</p> <p>MCR 3.952(B)(2) and 3.920(C)(1)</p>	<p>Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities</p>	<p>None</p> <p>None</p>



## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Designation Hearing cont'd.	The petition, or a copy of the petition, and a separate request for court designation must be personally served on juvenile, and if address or whereabouts known or discoverable by due diligence, parent, guardian, or legal custodian.	MCR 3.952(B)(1)		None
Motion for "Traditional" Waiver	Motion must be filed within 14 days after petition is authorized to be filed. Absent timely motion or good cause shown, juvenile is no longer subject to waiver on the charges.	MCR 3.950(C)(1)	Page 11 – Intermediate Event Standards, Pages 18, 19, and 22 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
	A copy of motion must be personally served on the juvenile and his or her parent, if their addresses or whereabouts are known or can be determined by the exercise of due diligence.	MCR 3.950(C)(2)	None	None
First Phase of "Traditional" Waiver Hearing	Hearing must be commenced within 28 days after petition is filed unless adjourned for good cause.	MCR 3.950(D)(1)(a)	Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
First Phase of “Traditional” Waiver Hearing cont’d.	7 days’ notice of the time, date, and place of hearing must be given. Notice may be given on the record directly to the juvenile or to the juvenile’s attorney, the prosecuting attorney, and all other parties, or in writing, served on each individual.	MCR 3.950(D)D and 3.920(C)(1)	Events Pages 26, 27, and 28 – Staff Responsibilities  None	None
Second Phase of “Traditional” Waiver Hearing	Hearing must be commenced within 28 days after conclusion of first phase, or 35 days after petition is filed if no first-phase hearing was held, unless adjourned for good cause.  7 days’ notice of the time, date, and place of hearing must be given. Notice may be given on the record directly to the juvenile or to the juvenile’s attorney, the prosecuting attorney, and all other parties, or in writing, served on each individual.	MCR 3.950(D)(2)(b)  MCR 3.950(D) and 3.950(C)(1)	Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities  None	None  None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Trial After Motion for “Traditional” Waiver Denied	If trial has not started within 28 days after motion for waiver is denied and the delay is not attributable to the defense, juvenile must be released unless he or she is being detained on another matter.	MCR 3.950(F)	Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 18 and 19 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
Demand for Jury Trial	Written demand for jury trial shall be filed within 14 days after court gives notice of the right to jury trial or 14 days after the filing of an appearance by an attorney, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.	MCR 3.911(B)	Page 11 – Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
Demand for Trial by Judge (Rather than Referee)	Written demand for trial by judge rather than referee shall be filed within 14 days after court gives notice of the right to trial by a judge or 14 days after the filing of an appearance by an attorney, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.	MCR 3.912(B)	Page 11 – Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Notice of Alibi or Insanity Defenses and Notice of Rebuttal by Prosecuting Attorney	Written notice of juvenile's intent to rely on defense must be given to the court and prosecutor within 21 days after notice of the trial date has been given to juvenile, but no later than 7 days before trial.	MCR 3.922(B)(1)	Page 11 – Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
	Written notice of the prosecutor's intent to rebut defense must be given to the court and juvenile within 7 days after receipt of notice of defense, but no later than 2 days before trial.	None	Same as above	None
Motion to Suppress Evidence	Personal service of motion must be made at least 7 days before hearing, and of the response at least 3 days before hearing. If service is by mail, add 2 days to these deadlines. For good cause, court may set different periods for filing and serving motions.	MCR 3.922(C), 3.920(C)(1), and 2.119(C)	Page 11 – Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
	If a hearing is held, at least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.	None	None	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Trial	In all cases, trial must be held within 6 months after filing of the petition, unless adjourned for good cause. If juvenile is detained, trial has not commenced within 63 days after juvenile was taken into custody, and the delay is not attributable to the defense, juvenile must be released without bail pending trial unless he or she is being held on another matter.	MCR 3.942(A)	Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control of Adjournments, Pages 23 through 25 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities Pages 29 through 36 – Types of Caseflow Management Reports	None
	At least 7 days’ notice in writing or on record must be given to juvenile, custodial parent or guardian, legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.	MCR 3.920(C)(1) and 3.921(A)(1)	None	None
	The court must direct service of summons on juvenile and his or her parent or the person with whom juvenile resides.	MCL 712A.12 and MCR 3.920(B)(4)(a)	None	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Trial cont'd.	Personal service is required at least 7 days before trial. If the court finds that personal service is impracticable or cannot be achieved, the court may direct service in any manner reasonably calculated to give notice of the proceedings and opportunity to be heard, including publication, sent at least 14 days before trial, or 21 days if the person is not a Michigan resident.	MCR 3.920(B)(4) and (5)	None	None
Rehearings or Motions for New Trial	Written motion must be filed within 21 days after the date of the order resulting from the hearing or trial. Court may entertain untimely motion for good cause shown. Written response must be filed with the court and parties within 7 days of motion.	MCR 3.992(A) and (C)	Page 11 – Intermediate Event Standards, Page 22 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities	None
	At least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, or legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.	MCR 3.920(C)(1) and 3.921(A)(1)	None	None
Disposition Hearing	The time between adjudication or plea and disposition is within the court's discretion. However, if juvenile is detained, disposition hearing must be held within 35 days after plea or trial, unless adjourned	MCR 3.943(B)	Page 11 – Intermediate Event Standards, Page 14 – Date Certainty and Credibility, Page 16 – Court Control	Part 4, Section E*  Compliance with time

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Disposition Hearing cont'd.  *In situations where payment on a TL citation is made by mail, plea is considered to have been taken and adjudication and disposition are considered to have occurred on the same day	for good cause.  At least 7 days' notice in writing or on record must be given to juvenile, custodial parent, guardian, or legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.	MCR 3.920(C)(1) and 3.921(A)(1)	of Adjournments, Pages 23 through 25 – Identifying and Monitoring Meaningful Events Pages 26, 27, and 28 – Staff Responsibilities Pages 29 through 36 – Types of Caseflow Management Reports  None	guidelines is based on completion of the hearing, not the date the hearing was scheduled or started.  None
Review of Referee's Recommended Findings and Conclusions	Request for review must be filed within 7 days after the inquiry or hearing or 7 days after issuance of referees' recommendations, whichever is later, and served on interested parties, and a response may be filed within 7 days after the filing of the request for review.	MCR 3.991(B)(3) and (4), 3.991(C)	None	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Review of Referee's Recommended Findings and Conclusions cont'd.	Absent good cause for delay, the judge must consider the request within 21 days after it is filed if juvenile is in placement or detention. MCR 3.991(B)(3), 3.991(B)(4), and 3.991(C).	MCR 3.991(D)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
Dispositional Review Hearings when Juvenile is in Out-of-Home Care	If juvenile is in out-of-home care, hearing must be held within 182 days after entry of the initial disposition order, and within every 182 days thereafter.	MCL 712A.19(2) and MCR 3.945(A)(2)(a)	Page 12 – Post Disposition Time Guidelines, Pages 18, 19, and 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	7 days' written notice to agency, foster parent or custodian, parent, guardian, guardian ad litem, elected Indian tribe leader (if applicable), attorney, juvenile (if older than age 11), prosecutor, and other persons as court directs.	MCL 712A.19(5)	None	None
Annual Reviews for Juveniles Committed to Public Institutions or Agencies	Court must conduct an annual review of the services provided to the juvenile, the juvenile's placement, and the juvenile's progress in the placement.	MCL 712A.18c(3)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 –	



## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Annual Reviews for Juveniles Committed to Public Institutions or Agencies cont'd.			Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	
Commitment Review Hearings for Juveniles Committed to Public Institutions or Agencies	Court must schedule and hold a hearing as near as possible to but before juvenile's 19th birthday, unless adjourned for good cause. If the court extends jurisdiction and the juvenile is placed outside the home, court must hold a dispositional review hearing every 182 days thereafter.	MCR 3.945(B)(1) (a) and 3.945(C)(1)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	Hearing may be held at any time on motion of institution, agency, or facility to which juvenile has been committed.	MCR 3.945(C)(2)	None	None
	Notice must be given to the prosecutor, agency or superintendent of institution or facility to which juvenile has been committed, juvenile, and juvenile's parent, guardian, or legal custodian (if address or whereabouts are known) at least 14 days prior to the hearing.	MCR 3.945(B)(1)(b)	None	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Post-Disposition Detention Hearing Pending Return to Placement	If no new petition or probation violation petition is filed, court must hold a detention hearing within 48 hours after the juvenile is taken into custody, excluding Sundays and holidays.	MCR 3.946(B)	Page 12 – Post Disposition Time Guidelines, Pages 18 and 19 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	Notice of the hearing may be given to juvenile and his or her parent as soon as the hearing is scheduled, in person, in writing, on record, or by phone.	MCR 3.920(C)(2)(a)	None	None
Probation Violation Hearings	If juvenile denies the allegations, court must schedule hearing within 42 days after a detention hearing. If hearing is not commenced within 42 days and the delay is not attributable to the juvenile, juvenile must be released without bail.	MCR 3.944(B)(5)(b)	Page 12 – Post Disposition Time Guidelines, Pages 18, 19, and 22 – Identifying and Monitoring Meaningful Events, Pages 26, 27, and 28 – Staff Responsibilities	None
	If the juvenile is not in custody, at least 7 days' notice in writing or on record must be given to juvenile, custodial parent or guardian, legal custodian, noncustodial parent who has requested notice at a	MCR 3.944(A)(1)(a), 3.920(C)(1), and 3.920(A)(1)	None	None

## Process for Delinquency Proceedings

Type of Proceeding	Time and Notice Requirements	Statutes and Court Rules	Reference in Caseflow Management	SCAO Part 4 Reporting Requirements
Probation Violation Hearings cont'd.	<p>hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner. A copy of the probation violation petition and notice of juvenile's rights must be provided.</p> <p>If the juvenile is detained, notice of the hearing may be given to juvenile and his or her parent as soon as the hearing is scheduled, in person, in writing, on record, or by phone. If the juvenile is detained, notice may be given to the custodial parent, guardian, or legal custodian.</p>	MCR 3.944(A)(2)(b)	None	None

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

#### **712A.11 Preliminary inquiry; petition; effect of juvenile attaining seventeenth birthday; fingerprints; amendment of petition or other court record; offer of court services.**

Sec. 11. (1) Except as provided in subsection (2), if a person gives information to the court that a juvenile is within section 2(a)(2) to (6), (b), (c), or (d) of this chapter, a preliminary inquiry may be made to determine whether the interests of the public or the juvenile require that further action be taken. If the court determines that formal jurisdiction should be acquired, the court shall authorize a petition to be filed.

(2) Only the prosecuting attorney may file a petition requesting the court to take jurisdiction of a juvenile allegedly within section 2(a)(1) of this chapter. If the prosecuting attorney submits a petition requesting the court to take jurisdiction of a juvenile allegedly within section 2(a)(1) of this chapter and the court determines that formal jurisdiction should be acquired, the court shall authorize a petition to be filed.

(3) The petition described in subsections (1) and (2) shall be verified and may be upon information and belief. The petition shall set forth plainly the facts that bring the juvenile within this chapter and shall contain all of the following information:

- (a) The juvenile's name, birth date, and address.
- (b) The name and address of the juvenile's parents.
- (c) The name and address of the juvenile's legal guardian, if there is one.
- (d) The name and address of each person having custody or control of the juvenile.
- (e) The name and address of the juvenile's nearest known relative, if no parent or guardian can be found.

(4) If any of the facts required under subsection (3) are not known to the petitioner, the petition shall state that the facts are not known. If the juvenile attains his or her seventeenth birthday after the filing of the petition, the court's jurisdiction shall continue beyond the juvenile's seventeenth birthday and the court may hear and dispose of the petition under this chapter.

(5) When a petition is authorized, the court shall examine the court file to determine if a juvenile has had fingerprints taken as required under section 3 of Act No. 289 of the Public Acts of 1925, being section 28.243 of the Michigan Compiled Laws. If a juvenile has not had his or her fingerprints taken, the court shall do either of the following:

(a) Order the juvenile to submit himself or herself to the police agency that arrested or obtained the warrant for the arrest of the juvenile so the juvenile's fingerprints can be taken.

(b) Order the juvenile committed to the custody of the sheriff for the taking of the juvenile's fingerprints.

(6) A petition or other court record may be amended at any stage of the proceedings as the ends of justice require.

(7) If the juvenile diversion act, Act No. 13 of the Public Acts of 1988, being sections 722.821 to 722.831 of the Michigan Compiled Laws, is complied with and the court determines that court services can be used in the prevention of delinquency without formal jurisdiction, the court may offer court services to a juvenile without a petition being authorized as provided in section 2(e) of this chapter.

**History:** Add. 1944, 1st Ex. Sess., Act 54, Imd. Eff. Mar. 6, 1944;—CL 1948, 712A.11;—Am. 1963, Act 118, Eff. Sept. 6, 1963;—Am. 1965, Act 182, Imd. Eff. July 15, 1965;—Am. 1988, Act 18, Eff. Apr. 1, 1988;—Am. 1988, Act 72, Eff. June 1, 1988;—Am. 1988, Act 92, Eff. Apr. 1, 1988;—Am. 1996, Act 409, Eff. Jan. 1, 1998.

**Former law:** See section 17 of Ch. XII of Act 288 of 1939; section 5 of Act 6 of 1907, Ex. Sess.; Act 310 of 1909; Act 164 of 1911; Act 262 of 1911; Act 363 of 1913; Act 308 of 1915; CL 1915, § 2015; Act 24 of 1921, 1st Ex. Sess.; Act 105 of 1923; Act 127 of 1927; and CL 1929, § 12838.

**Popular name:** Probate Code

**Popular name:** Juvenile Code

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**712A.18c Retention of jurisdiction of child committed under § 712A.18(1)(e); effective date of subsection (2); annual review; release of child.**

Sec. 18c. (1) If a child is committed under section 18(1)(e) of this chapter for an offense which, if committed by an adult, would be punishable by imprisonment for more than 1 year or an offense expressly designated by law to be a felony, the court shall retain jurisdiction over the child.

(2) If a child is committed under section 18(1)(e) of this chapter and the child was adjudicated as being in the court's jurisdiction under section 2(a) of this chapter, the court shall retain jurisdiction over the child. This subsection shall take effect June 1, 1991.

(3) If the court has retained jurisdiction over a child under this section, the court shall conduct an annual review of the services being provided to the child, the child's placement, and the child's progress in that placement. In conducting this review, the court shall examine the child's annual report prepared pursuant to section 3 of the juvenile facilities act. The court may order changes in the child's placement or treatment plan based on the review.

(4) If the court has retained jurisdiction over a child under this section, the child may be released only with the approval of the court. Except as otherwise provided in section 18d, the child shall be automatically released upon reaching 19 years of age.

**History:** Add. 1988, Act 54, Eff. Oct. 1, 1988.

**Compiler's note:** Section 3 of Act 54 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 174 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."

**Popular name:** Probate Code

**Popular name:** Juvenile Code

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

#### **712A.19 Termination of cause; supplemental order of disposition; placement of child in foster care; rehearing; record; scope and time of review hearing; notice of review; factors to be reviewed; modification of plan; determination as to placement; order; determination as to review; issuance of order without hearing; access to agency report; agency report and other information as evidence.**

Sec. 19. (1) Subject to section 20 of this chapter, if a child remains under the jurisdiction of the court, a cause may be terminated or an order may be amended or supplemented, within the authority granted to the court in section 18 of this chapter, at any time as the court considers necessary and proper. An amended or supplemented order shall be referred to as a "supplemental order of disposition". If the family independence agency becomes aware of additional abuse or neglect of a child who is under the jurisdiction of the court and if that abuse or neglect is substantiated as provided in the child protection law, 1975 PA 238, MCL 722.621 to 722.638, the department shall file a supplemental petition with the court.

(2) Except as otherwise provided in this section, if a child is placed in foster care, the cause shall be reheard not more than 182 days after entry of the order of disposition. The showing shall be recorded stenographically at a hearing held by the judge or referee. If the child remains in foster care in the temporary custody of the court following the hearing, the cause shall be further reheard not more than 182 days after the hearing. In conducting the review hearing, the court shall review the performance of the child, the child's parent, guardian, or custodian, the juvenile worker, and other persons providing assistance to the child and his or her family.

(3) Except as otherwise provided in subsection (4), if, in a proceeding under section 2(b) of this chapter, a child is placed and remains in foster care, a review hearing shall be held not more than 91 days after entry of the order of disposition and every 91 days after that as long as the child is subject to the jurisdiction, control, or supervision of the court, or of the Michigan children's institute or other agency. Upon motion by any party or in the court's discretion, a review hearing may be accelerated to review any element of the case service plan prepared pursuant to section 18f of this chapter.

(4) If a child is in a permanent foster family agreement or if a child is placed with a relative and the placement is intended to be permanent, the court shall hold a review hearing not more than 182 days after a permanency planning hearing held pursuant to section 19a of this chapter and every 182 days after that so long as the child is subject to the jurisdiction, control, or supervision of the court, or of the Michigan children's institute or other agency. Upon the motion of any party or at the court's discretion, a review hearing may be accelerated to review any element of the case service plan.

(5) Written notice of a review hearing under subsection (2), (3), or (4) shall be served upon all of the following:

- (a) The agency. The agency shall advise the child of the hearing if the child is 11 years of age or older.
- (b) The foster parent or custodian of the child.
- (c) If the parental rights to the child have not been terminated, the child's parents.
- (d) If the child has a guardian, the guardian for the child.
- (e) If the child has a guardian ad litem, the guardian ad litem for the child.
- (f) A nonparent adult if the nonparent adult is required to comply with the case service plan.
- (g) If tribal affiliation has been determined, the elected leader of the Indian tribe.
- (h) The attorney for the child, the attorneys for each party, and the prosecuting attorney if the prosecuting attorney has appeared in the case.
- (i) If the child is 11 years of age or older, the child.
- (j) Other persons as the court may direct.

(6) At a review hearing under subsection (2), (3), or (4), the court shall review on the record all of the following:

(a) Compliance with the case service plan with respect to services provided or offered to the child and the child's parent, guardian, custodian, or nonparent adult if the nonparent adult is required to comply with the case service plan and whether the parent, guardian, custodian, or nonparent adult if the nonparent adult is required to comply with the case service plan has complied with and benefited from those services.

(b) Compliance with the case service plan with respect to parenting time with the child. If parenting time did not

occur or was infrequent, the court shall determine why parenting time did not occur or was infrequent.

(c) The extent to which the parent complied with each provision of the case service plan, prior court orders, and an agreement between the parent and the agency.

(d) Likely harm to the child if the child continues to be separated from the child's parent, guardian, or custodian.

(e) Likely harm to the child if the child is returned to the child's parent, guardian, or custodian.

(7) After review of the case service plan, the court shall determine the extent of progress made toward alleviating or mitigating the conditions that caused the child to be placed in foster care or that caused the child to remain in foster care. The court may modify any part of the case service plan including, but not limited to, the following:

(a) Prescribing additional services that are necessary to rectify the conditions that caused the child to be placed in foster care or to remain in foster care.

(b) Prescribing additional actions to be taken by the parent, guardian, nonparent adult, or custodian, to rectify the conditions that caused the child to be placed in foster care or to remain in foster care.

(8) At a review hearing under subsection (2), (3), or (4), the court shall determine the continuing necessity and appropriateness of the child's placement and shall order the return of the child to the custody of the parent, continue the dispositional order, modify the dispositional order, or enter a new dispositional order.

(9) If in a proceeding under section 2(b) of this chapter a child is placed in foster care, the court shall determine at the dispositional hearing and each review hearing whether the cause should be reviewed before the next review hearing required by subsection (2), (3), or (4). In making this determination, the court shall consider at least all of the following:

(a) The parent's ability and motivation to make necessary changes to provide a suitable environment for the child.

(b) Whether there is a reasonable likelihood that the child may be returned to his or her home prior to the next review hearing required by subsection (2), (3), or (4).

(10) Unless waived, if not less than 7 days' notice is given to all parties prior to the return of a child to the child's home, and no party requests a hearing within the 7 days, the court may issue an order without a hearing permitting the agency to return the child to the child's home.

(11) An agency report filed with the court shall be accessible to all parties to the action and shall be offered into evidence. The court shall consider any written or oral information concerning the child from the child's parent, guardian, custodian, foster parent, child caring institution, relative with whom a child is placed, attorney, lawyer-guardian ad litem, or guardian ad litem, in addition to any other evidence, including the appropriateness of parenting time, offered at the hearing.

**History:** Add. 1944, 1st Ex. Sess., Act 54, Imd. Eff. Mar. 6, 1944;—CL 1948, 712A.19;—Am. 1951, Act 98, Eff. Sept. 28, 1951;—Am. 1966, Act 181, Imd. Eff. July 1, 1966;—Am. 1988, Act 224, Eff. Apr. 1, 1989;—Am. 1994, Act 264, Eff. Jan. 1, 1995;—Am. 1996, Act 16, Eff. June 1, 1996;—Am. 1997, Act 163, Eff. Mar. 31, 1998;—Am. 1998, Act 480, Eff. Mar. 1, 1999;—Am. 1998, Act 530, Eff. July 1, 1999.

**Former law:** See section 18 of Ch. XII of Act 288 of 1939; and CL 1929, § 12838.

**Popular name:** Probate Code

**Popular name:** Juvenile Code

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

#### **712A.19a Permanency planning hearing; conditions; time limitation; purpose; notice; statement; return of child to parent; noncompliance with case service plan; other conditions as evidence; termination of parental rights to child; alternative placement plans; information considered as evidence.**

Sec. 19a. (1) Subject to subsection (2), if a child remains in foster care and parental rights to the child have not been terminated, the court shall conduct a permanency planning hearing within 1 year after an original petition has been filed. Except as otherwise provided in section 19(4) of this chapter, the court shall hold a review hearing not more than 91 days after the original permanency planning hearing and every 91 days after that so long as the child is subject to the jurisdiction, control, or supervision of the court, or of the Michigan children's institute or other agency. A permanency planning hearing may be combined with a review hearing held under section 19(3) of this chapter.

(2) The court shall conduct a permanency planning hearing within 28 days after a petition is adjudicated and the parent is found to have abused the child or a sibling of the child and the abuse included 1 or more of the following:

- (a) Abandonment of a young child.
- (b) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
- (c) Battering, torture, or other severe physical abuse.
- (d) Loss or serious impairment of an organ or limb.
- (e) Life threatening injury.
- (f) Murder or attempted murder.
- (g) Voluntary manslaughter.
- (h) Aiding, abetting, attempting, conspiring, or soliciting the commission of murder or voluntary manslaughter.

(3) If a child remains in foster care and parental rights to the child have not been terminated, the court shall conduct a permanency planning hearing within 1 year after an initial hearing under subsection (1) or (2), and within 1 year after each subsequent hearing.

(4) A permanency planning hearing shall be conducted to review the status of the child and the progress being made toward the child's return home or to show why the child should not be placed in the permanent custody of the court.

(5) Not less than 14 days before a permanency planning hearing, written notice of the hearing and a statement of the purposes of the hearing, including a notice that the hearing may result in further proceedings to terminate parental rights, shall be served upon all of the following:

- (a) The agency. The agency shall advise the child of the hearing if the child is 11 years of age or older.
- (b) The foster parent or custodian of the child.
- (c) If the parental rights to the child have not been terminated, the child's parents.
- (d) If the child has a guardian, the guardian for the child.
- (e) If the child has a guardian ad litem, the guardian ad litem for the child.
- (f) If tribal affiliation has been determined, the elected leader of the Indian tribe.
- (g) The attorney for the child, the attorneys for each party, and the prosecuting attorney if the prosecuting attorney has appeared in the case.

(h) If the child is 11 years of age or older, the child.

(i) Other persons as the court may direct.

(6) If parental rights to the child have not been terminated and the court determines at a permanency planning hearing that the return of the child to his or her parent would not cause a substantial risk of harm to the child's life, physical health, or mental well-being, the court shall order the child returned to his or her parent. In determining whether the return of the child would cause a substantial risk of harm to the child, the court shall view the failure of the parent to substantially comply with the terms and conditions of the case service plan prepared under section 18f of this chapter as evidence that return of the child to his or her parent would cause a substantial risk of harm to the child's life, physical health, or mental well-being. In addition to considering conduct of the parent as evidence of substantial risk of harm, the court shall consider any condition or circumstance of the child that may be evidence



that a return to the parent would cause a substantial risk of harm to the child's life, physical health, or mental well-being.

(7) If the court determines at a permanency planning hearing that the child should not be returned to his or her parent, the court shall order the agency to initiate proceedings to terminate parental rights to the child not later than 42 days after the permanency planning hearing, unless the court finds that initiating the termination of parental rights to the child is clearly not in the child's best interests.

(8) If the agency demonstrates under subsection (7) that initiating the termination of parental rights to the child is clearly not in the child's best interests, then the court shall order either of the following alternative placement plans:

(a) If the court determines that other permanent placement is not possible, the child's placement in foster care shall continue for a limited period to be stated by the court.

(b) If the court determines that it is in the child's best interests, the child's placement in foster care shall continue on a long-term basis.

(9) In making the determinations under this section, the court shall consider any written or oral information concerning the child from the child's parent, guardian, custodian, foster parent, child caring institution, relative with whom the child is placed, or guardian ad litem in addition to any other evidence, including the appropriateness of parenting time, offered at the hearing.

**History:** Add. 1972, Act 59, Imd. Eff. Feb. 21, 1972;—Am. 1988, Act 224, Eff. Apr. 1, 1989;—Am. 1994, Act 264, Eff. Jan. 1, 1995;—Am. 1997, Act 163, Eff. Mar. 31, 1998;—Am. 2000, Act 46, Imd. Eff. Mar. 27, 2000.

**Popular name:** Probate Code

**Popular name:** Juvenile Code

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

#### **712A.19b Termination of parental rights to child; petition; hearing; record; notice; findings; order; "concerned person" defined.**

Sec. 19b. (1) Except as provided in subsection (4), if a child remains in foster care in the temporary custody of the court following a review hearing under section 19(3) of this chapter or a permanency planning hearing under section 19a of this chapter or if a child remains in the custody of a guardian or limited guardian, upon petition of the prosecuting attorney, whether or not the prosecuting attorney is representing or acting as legal consultant to the agency or any other party, or petition of the child, guardian, custodian, concerned person as defined in subsection (6), agency, or children's ombudsman as authorized in section 7 of the children's ombudsman act, 1994 PA 204, MCL 722.927, the court shall hold a hearing to determine if the parental rights to a child should be terminated and, if all parental rights to the child are terminated, the child placed in permanent custody of the court. The court shall state on the record or in writing its findings of fact and conclusions of law with respect to whether or not parental rights should be terminated. The court shall issue an opinion or order regarding a petition for termination of parental rights within 70 days after the commencement of the initial hearing on the petition. However, the court's failure to issue an opinion within 70 days does not dismiss the petition.

(2) Not less than 14 days before a hearing to determine if the parental rights to a child should be terminated, written notice of the hearing shall be served upon all of the following:

- (a) The agency. The agency shall advise the child of the hearing if the child is 11 years of age or older.
- (b) The child's foster parent or custodian.
- (c) The child's parents.
- (d) If the child has a guardian, the child's guardian.
- (e) If the child has a guardian ad litem, the child's guardian ad litem.
- (f) If tribal affiliation has been determined, the Indian tribe's elected leader.
- (g) The child's attorney and each party's attorney.
- (h) If the child is 11 years of age or older, the child.
- (i) The prosecutor.

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

- (a) The child has been deserted under any of the following circumstances:

- (i) The child's parent is unidentifiable, has deserted the child for 28 or more days, and has not sought custody of the child during that period. For the purposes of this section, a parent is unidentifiable if the parent's identity cannot be ascertained after reasonable efforts have been made to locate and identify the parent.

- (ii) The child's parent has deserted the child for 91 or more days and has not sought custody of the child during that period.

- (iii) The child's parent voluntarily surrendered the child to an emergency service provider under chapter XII and did not petition the court to regain custody within 28 days after surrendering the child.

- (b) The child or a sibling of the child has suffered physical injury or physical or sexual abuse under 1 or more of the following circumstances:

- (i) The parent's act caused the physical injury or physical or sexual abuse and the court finds that there is a reasonable likelihood that the child will suffer from injury or abuse in the foreseeable future if placed in the parent's home.

- (ii) The parent who had the opportunity to prevent the physical injury or physical or sexual abuse failed to do so and the court finds that there is a reasonable likelihood that the child will suffer injury or abuse in the foreseeable future if placed in the parent's home.

- (iii) A nonparent adult's act caused the physical injury or physical or sexual abuse and the court finds that there is a reasonable likelihood that the child will suffer from injury or abuse by the nonparent adult in the foreseeable future if placed in the parent's home.

- (c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the

following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

(ii) Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

(d) The child's parent has placed the child in a limited guardianship under section 5205 of the estates and protected individuals code, 1998 PA 386, MCL 700.5205, and has substantially failed, without good cause, to comply with a limited guardianship placement plan described in section 5205 of the estates and protected individuals code, 1998 PA 386, MCL 700.5205, regarding the child to the extent that the noncompliance has resulted in a disruption of the parent-child relationship.

(e) The child has a guardian under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102, and the parent has substantially failed, without good cause, to comply with a court-structured plan described in section 5207 or 5209 of the estates and protected individuals code, 1998 PA 386, MCL 700.5207 and 700.5209, regarding the child to the extent that the noncompliance has resulted in a disruption of the parent-child relationship.

(f) The child has a guardian under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102, and both of the following have occurred:

(i) The parent, having the ability to support or assist in supporting the minor, has failed or neglected, without good cause, to provide regular and substantial support for the minor for a period of 2 years or more before the filing of the petition or, if a support order has been entered, has failed to substantially comply with the order for a period of 2 years or more before the filing of the petition.

(ii) The parent, having the ability to visit, contact, or communicate with the minor, has regularly and substantially failed or neglected, without good cause, to do so for a period of 2 years or more before the filing of the petition.

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

(h) The parent is imprisoned for such a period that the child will be deprived of a normal home for a period exceeding 2 years, and the parent has not provided for the child's proper care and custody, and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

(i) Parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

(k) The parent abused the child or a sibling of the child and the abuse included 1 or more of the following:

(i) Abandonment of a young child.

(ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.

(iii) Battering, torture, or other severe physical abuse.

(iv) Loss or serious impairment of an organ or limb.

(v) Life threatening injury.

(vi) Murder or attempted murder.

(vii) Voluntary manslaughter.

(viii) Aiding and abetting, attempting to commit, conspiring to commit, or soliciting murder or voluntary manslaughter.

(l) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state.

(m) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of this chapter or a similar law of another state.

(n) The parent is convicted of 1 or more of the following, and the court determines that termination is in the child's best interests because continuing the parent-child relationship with the parent would be harmful to the child:

(i) A violation of section 316, 317, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.316, 750.317, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(ii) A violation of a criminal statute, an element of which is the use of force or the threat of force, and which

subjects the parent to sentencing under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(iii) A federal law or law of another state with provisions substantially similar to a crime or procedure listed or described in subparagraph (i) or (ii).

(4) If a petition to terminate the parental rights to a child is filed, the court may enter an order terminating parental rights under subsection (3) at the initial dispositional hearing. If a petition to terminate parental rights to a child is filed, parenting time for a parent who is a subject of the petition is automatically suspended and, except as otherwise provided in this subsection, remains suspended at least until a decision is issued on the termination petition. If a parent whose parenting time is suspended under this subsection establishes, and the court determines, that parenting time will not harm the child, the court may order parenting time in the amount and under the conditions the court determines appropriate.

(5) If the court finds that there are grounds for termination of parental rights, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made, unless the court finds that termination of parental rights to the child is clearly not in the child's best interests.

(6) As used in this section, "concerned person" means a foster parent with whom the child is living or has lived who has specific knowledge of behavior by the parent constituting grounds for termination under subsection (3)(b) or (g) and who has contacted the family independence agency, the prosecuting attorney, the child's attorney, and the child's guardian ad litem, if any, and is satisfied that none of these persons intend to file a petition under this section.

**History:** Add. 1988, Act 224, Eff. Apr. 1, 1989;—Am. 1990, Act 314, Imd. Eff. Dec. 20, 1990;—Am. 1994, Act 264, Eff. Jan. 1, 1995;—Am. 1997, Act 169, Eff. Mar. 31, 1998;—Am. 1998, Act 479, Eff. Mar. 1, 1999;—Am. 1998, Act 530, Eff. July 1, 1999;—Am. 2000, Act 46, Imd. Eff. Mar. 27, 2000;—Am. 2000, Act 232, Eff. Jan. 1, 2001.

**Compiler's note:** Enacting section 1 of Act 232 of 2000 provides:

"Enacting section 1. Section 19b of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.19b, as amended by this amendatory act, and chapter XII of the probate code of 1939, 1939 PA 288, as added by this amendatory act, do not apply to a proceeding that arises before the effective date of this amendatory act."

**Popular name:** Probate Code

**Popular name:** Juvenile Code

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**712A.19c Review of child's placement in foster care and progress toward adoption or other permanent placement; applicability of section.**

Sec. 19c. (1) Except as provided in section 19(4) and subject to subsection (2), if a child remains in foster care following the termination of parental rights to the child, the court shall conduct a hearing not more than 91 days after the termination of parental rights and at least every 91 days after that hearing. At a hearing under this section, the court shall review all of the following:

- (a) The appropriateness of the permanency planning goal for the child.
- (b) The appropriateness of the child's placement in foster care.
- (c) The reasonable efforts being made to place the child for adoption or in other permanent placement in a timely manner.

(2) This section applies only to a child's case in which parental rights to the child were either terminated as the result of a proceeding under section 2(b) of this chapter or a similar law of another state or terminated voluntarily following the initiation of a proceeding under section 2(b) of this chapter or a similar law of another state. This section applies as long as the child is subject to the jurisdiction, control, or supervision of the court or of the Michigan children's institute or other agency.

**History:** Add. 1988, Act 224, Eff. Apr. 1, 1989;—Am. 1998, Act 479, Eff. Mar. 1, 1999;—Am. 2000, Act 46, Imd. Eff. Mar. 27, 2000.

**Popular name:** Probate Code

**Popular name:** Juvenile Code

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

#### **710.23e Temporary placement; hearing to determine custody; petition; ex parte order to return child to parent or guardian; petition requesting court jurisdiction; temporary disposition; powers of court; act as exclusive remedy.**

Sec. 23e. (1) Not later than 14 days after the filing of a petition by the prosecutor as required by section 23d(4) of this chapter, by a prospective adoptive parent as permitted in section 23d(6) of this chapter, or by a child placing agency as required by section 23d(7) of this chapter, the court shall hold a hearing to determine the custody of a child for whom a temporary placement has been made.

(2) Upon receiving a petition filed under section 23d(5) of this chapter, the court shall immediately issue an ex parte order directing the prospective adoptive parent to return the child to the parent or guardian with legal custody within 24 hours after receipt of the order, unless the court proceeds under subsection (3).

(3) The court may appoint an attorney to represent the child or refer the matter to the department. The attorney or the department may file a petition on the child's behalf requesting the court to take jurisdiction under section 2(b) of chapter XIIA. If that petition has not been filed within 14 days after the court appoints an attorney or refers the matter to the department under this section, the court shall order the return of the child to the parent or guardian with legal custody. During the period before the petition for jurisdiction under section 2(b) of chapter XIIA is filed and a preliminary hearing is held or the return of custody is ordered, the court shall remove the child from the home of the prospective adoptive parent and make a temporary disposition appropriate for the welfare of the child as authorized by section 18 of chapter XIIA.

(4) Subject to subsection (2), the court may appoint a guardian under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102, in response to a petition filed by the prospective adoptive parent or another individual interested in the child's welfare, and make a temporary disposition appropriate for the child's welfare as authorized by section 18 of chapter XIIA until an order of guardianship is entered.

(5) The court may order the return of a child to a child placing agency that has obtained legal custody of the child.

(6) The court may appoint a guardian ad litem for the child or for a minor parent of the child.

(7) This act provides the exclusive remedy for all custody disputes arising out of a temporary placement.

**History:** Add. 1994, Act 222, Eff. Jan. 1, 1995;—Am. 1994, Act 373, Eff. Jan. 1, 1995;—Am. 2000, Act 55, Eff. Apr. 1, 2000.

**Popular name:** Probate Code

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

#### **710.45 Withholding of consent by representative or court; motion by petitioner; decision by court; termination of rights; entering orders; hearing of motion where consent of juvenile division of probate court required.**

Sec. 45. (1) A court shall not allow the filing of a petition to adopt a child if the consent of a representative or court is required pursuant to section 43(1)(b), (c), or (d) of this chapter unless the petition is accompanied by the required consent or a motion as provided in subsection (2).

(2) If an adoption petitioner has been unable to obtain the consent required by section 43(1)(b), (c), or (d) of this chapter, the petitioner may file a motion with the court alleging that the decision to withhold consent was arbitrary and capricious. A motion under this subsection shall contain information regarding both of the following:

- (a) The specific steps taken by the petitioner to obtain the consent required and the results, if any.
- (b) The specific reasons why the petitioner believes the decision to withhold consent was arbitrary and capricious.

(3) If consent has been given to another petitioner and if the child has been placed with that other petitioner pursuant to an order under section 51 of this chapter, a motion under this section shall not be brought after either of the following:

- (a) Fifty-six days following the entry of the order placing the child.
- (b) Entry of an order of adoption.

(4) Upon the filing of a petition to adopt a child and the motion described in subsection (2), the court may waive or modify the full investigation of the petition provided in section 46 of this chapter. The court shall decide the motion within 91 days after the filing of the motion unless good cause is shown.

(5) Unless the petitioner establishes by clear and convincing evidence that the decision to withhold consent was arbitrary and capricious, the court shall deny the motion described in subsection (2) and dismiss the petition to adopt.

(6) If the court finds by clear and convincing evidence that the decision to withhold consent was arbitrary and capricious, the court may terminate the rights of the appropriate court, child placing agency, or department and may enter further orders in accordance with this chapter or section 18 of chapter XIIA as the court considers appropriate. In addition, the court may grant to the petitioner reimbursement for petitioner's costs of preparing, filing, and arguing the motion alleging the withholding of consent was arbitrary and capricious, including a reasonable allowance for attorney fees.

(7) If the consent at issue is that required of the court under section 43(1)(c) of this chapter, the motion shall be heard by a visiting judge assigned pursuant to section 8212 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.8212 of the Michigan Compiled Laws.

**History:** Add. 1982, Act 72, Imd. Eff. Apr. 14, 1982;—Am. 1994, Act 239, Eff. July 5, 1994;—Am. 1996, Act 409, Eff. Jan. 1, 1998.

**Popular name:** Probate Code

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

**710.51 Order terminating rights of parents or person in loco parentis; extension of time; conditions; child as ward of court; termination of jurisdiction; marriage of petitioner to parent having legal custody; placement without making child ward of court; evidence; order terminating rights of divorced or unmarried parent not having legal custody; conditions; consent to services for child by prospective adoptive parents.**

Sec. 51. (1) Not later than 14 days after receipt of the report of investigation, except as provided in subsections (2) and (5), the judge shall examine the report and shall enter an order terminating the rights of the child's parent or parents, if there was a parental consent, or the rights of any person in loco parentis, if there was a consent by other than parents, and approve placement of the child with the petitioner if the judge is satisfied as to both of the following:

(a) The genuineness of consent to the adoption and the legal authority of the person or persons signing the consent.

(b) The best interests of the adoptee will be served by the adoption.

(2) If it is necessary to hold a hearing before entering an order terminating the rights of a parent, parents, or a person in loco parentis, or if other good cause is shown, the time specified in subsection (1) shall be extended for an additional 14-day period.

(3) Upon entry of an order terminating rights of parents or persons in loco parentis, a child is a ward of the court and a consent to adoption executed pursuant to section 43 of this chapter shall not be withdrawn after the order is entered. Entry of the order terminates the jurisdiction of the same court or another court over the child in a divorce or separate maintenance action. If the petitioner for adoption is married to the parent having legal custody of the child, the child shall not be made a ward of the court after termination of the rights of the other parent.

(4) Without making the child a ward of the court, the court may approve placement of a child if the child is placed for adoption in this state by a public or licensed private agency of another state or country and if the law of the sending state or country prohibits the giving of consent to adoption at the time of placement. Before placement of the child in that instance, the sending agency shall tender evidence as the court requires to demonstrate that the agency possesses the necessary authority to consent to the adoption at the time of entry of the final order of adoption. After the sending agency has given evidence of its ability to consent, the agency shall not do anything to jeopardize its ability to grant the required consent before entry of the final order of adoption. After the sending agency gives its consent for the adoption, that consent shall not be withdrawn.

(5) If a parent having legal custody of the child is married to the petitioner for adoption, the judge shall not enter an order terminating the rights of that parent.

(6) If the parents of a child are divorced, or if the parents are unmarried but the father has acknowledged paternity or is a putative father who meets the conditions in section 39(2) of this chapter, and if the parent having legal custody of the child subsequently marries and that parent's spouse petitions to adopt the child, the court upon notice and hearing may issue an order terminating the rights of the other parent if both of the following occur:

(a) The other parent, having the ability to support, or assist in supporting, the child, has failed or neglected to provide regular and substantial support for the child or if a support order has been entered, has failed to substantially comply with the order, for a period of 2 years or more before the filing of the petition.

(b) The other parent, having the ability to visit, contact, or communicate with the child, has regularly and substantially failed or neglected to do so for a period of 2 years or more before the filing of the petition.

(7) Unless otherwise ordered by the court, the prospective adoptive parents with whom a child is placed pursuant to a court order approving placement under this section may consent to all medical, surgical, psychological, educational, and related services for the child.

**History:** Add. 1974, Act 296, Eff. Jan. 1, 1975;—Am. 1980, Act 116, Eff. Sept. 12, 1980;—Am. 1980, Act 509, Imd. Eff. Jan. 26, 1981;—Am. 1982, Act 72, Imd. Eff. Apr. 14, 1982;—Am. 1994, Act 222, Eff. Jan. 1, 1995;—Am. 1996, Act 409, Eff. Jan. 1, 1998.

**Popular name:** Probate Code



**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**710.56 Order of adoption; time; waiver; extension of time; hearing; effect of filing petition for rehearing or appeal from order terminating parental rights; adoption of adult.**

Sec. 56. (1) Six months after formal placement pursuant to section 51, unless the court determines that circumstances have arisen which make adoption undesirable, the court may enter an order of adoption. Upon the motion of the petitioner, the court may waive the 6-month period, or any portion of that period, if the waiver is in the best interests of the adoptee. If, after a hearing, the court finds that the best interests of the adoptee will be served, it may extend the 6-month period for an additional period of time not exceeding 18 months from the time of formal placement for adoption. In an adoption proceeding for which an adoption order is not entered within 18 months after formal placement, the court shall hold a hearing and determine whether an order of adoption shall be entered or the petition denied. If a child is formally placed pursuant to section 41(2) of this chapter, the court may extend the 6-month period for an additional period, which may exceed 18 months from the time of formal placement, until an order for adoption may be entered under subsection (2).

(2) If a petition for rehearing or an appeal as of right from an order terminating parental rights has been filed, the court shall not order an adoption until 1 of the following occurs:

(a) The petition for rehearing is granted, and at the rehearing the order terminating parental rights is not modified or set aside, and subsequently the period for appeal as of right to the court of appeals has expired without an appeal being filed.

(b) The petition for rehearing is denied and the period for appeal as of right to the court of appeals has expired without an appeal being filed.

(c) The court of appeals affirms the order terminating parental rights.

(3) If the person to be adopted is an adult, the court may enter an order of adoption after all of the following occur:

(a) The person to be adopted consents to the adoption pursuant to section 43(3) of this chapter.

(b) The written report of investigation required by section 46(2) of this chapter is filed.

(c) Notice has been served upon interested parties described in section 24a of this chapter.

**History:** Add. 1974, Act 296, Eff. Jan. 1, 1975;—Am. 1980, Act 288, Eff. Oct. 17, 1980;—Am. 1982, Act 72, Imd. Eff. Apr. 14, 1982;—Am. 1992, Act 247, Imd. Eff. Nov. 19, 1992;—Am. 1994, Act 240, Eff. July 5, 1994.

**Popular name:** Probate Code

## THE PARENTAL RIGHTS RESTORATION ACT (EXCERPT)

### Act 211 of 1990

#### **722.904 Jurisdiction of probate court; confidential and expeditious proceedings; granting waiver of parental consent; reporting suspected child abuse; duties of probate court on disclosure of sexual abuse; "child abuse" and "sexual abuse" defined.**

Section 4. (1) The probate court has jurisdiction of proceedings related to a minor's petition for a waiver of parental consent.

(2) Proceedings held pursuant to this act shall be completed with confidentiality and sufficient expedition to provide an effective opportunity for the minor to provide self-consent to an abortion, in accordance with all of the following:

(a) The probate court shall, upon its first contact with a minor seeking a waiver of parental consent under this act, provide the minor with notice of the minor's right to all of the following:

- (i) Confidentiality of the proceedings, including the right to use initials in the petition.
- (ii) Court appointment of an attorney or guardian ad litem.
- (iii) Assistance with preparing and filing the petition.

(b) A minor may file a petition for waiver of parental consent in the probate court of the county in which the minor resides. For purposes of this act, the county in which the minor resides means the county in which the minor's residence is located or the county in which the minor is found.

(c) Upon request of the minor, the probate court shall provide the minor with assistance in preparing and filing the petition for waiver of parental consent.

(d) A minor may file a petition for waiver of parental consent under this act on her own behalf or through a next friend. The minor may use initials or some other means of assuring confidentiality in the petition.

(e) Upon request of the minor, the probate court shall appoint an attorney or guardian ad litem within 24 hours to represent the minor in proceedings under this section.

(f) A minor is not required to pay a fee for proceedings under this section.

(g) A hearing on a petition for waiver of parental consent under this act shall be held within 72 hours, excluding Sundays and holidays, after the petition is filed and shall be closed to the public. All records of proceedings related to the petition for waiver of parental consent under this act are confidential.

(h) The probate court that hears the petition for waiver of parental consent shall issue and make a part of the confidential record its specific findings of fact and conclusions of law in support of its ruling either on the record or in a written opinion.

(i) A written order granting or denying a petition for waiver of parental consent filed pursuant to this act shall be issued within 48 hours, excluding Sundays and holidays, after the hearing on the petition is held.

(3) The probate court shall grant a waiver of parental consent if it finds either of the following:

(a) The minor is sufficiently mature and well-enough informed to make the decision regarding abortion independently of her parents or legal guardian.

(b) The waiver would be in the best interests of the minor.

(4) A minor who is denied a waiver under this section may appeal the probate court's decision to the court of appeals. Appeal proceedings shall be expedited and confidential. The notice of appeal shall be filed within 24 hours of the issuance of the order denying the petition. The appeal shall be perfected within 72 hours, excluding Sundays and holidays, from the filing of the notice of appeal.

(5) The confidentiality requirements of this section do not prevent the probate court from reporting suspected child abuse under section 4 of the child protection law, Act No. 238 of the Public Acts of 1975, being section 722.624 of the Michigan Compiled Laws.

(6) If a minor who is seeking a waiver of parental consent reveals to the probate court that she is the victim of sexual abuse, and that her pregnancy is, or may be, the result of sexual abuse, the probate court shall immediately do all of the following:

(a) Report the suspected sexual abuse to the department of social services or a law enforcement agency pursuant to the child protection law, Act No. 238 of the Public Acts of 1975, being sections 722.621 to 722.636 of the Michigan Compiled Laws.

(b) Inform the minor that there are laws designed to protect her, including all of the following provisions of chapter XIIA of the probate code, Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.28 of the Michigan Compiled Laws:

(i) That a law enforcement officer may without court order take the minor into temporary protective custody if, after investigation, the officer has reasonable grounds to conclude that the minor's health, safety, or welfare would be endangered by leaving her in the custody of her parent or legal guardian.

(ii) That the juvenile division of the probate court may, upon learning of the suspected sexual abuse, immediately hold a preliminary inquiry to determine whether a petition for court jurisdiction should be filed or whether other action should be taken.

(iii) That the juvenile court shall appoint an attorney to represent the minor in protective proceedings.

(iv) That after a petition has been filed, the juvenile court may order that the minor be placed with someone other than her parent or legal guardian pending trial or further court order if such placement is necessary to avoid substantial risk to the minor's life, physical health, or mental well-being.

(7) As used in this section, "child abuse" and "sexual abuse" mean those terms as defined in section 2 of the child protection law, Act No. 238 of the Public Acts of 1975, being section 722.622 of the Michigan Compiled Laws.

**History:** 1990, Act 211, Eff. Mar. 28, 1991.

**Popular name:** Parental Consent Law

## PUBLIC HEALTH CODE (EXCERPT)

### Act 368 of 1978

#### **333.5205 Failure or refusal to comply with warning notice; petition; hearing; notice; waiver; orders; recommendation and duties of commitment review panel and circuit court; appeal to circuit court; termination or continuation of commitment; cost of implementing order; right to counsel; appeal to court of appeals; leaving facility or refusal to undergo testing for certain infections as contempt.**

Sec. 5205. (1) If a department representative or a local health officer knows or has reasonable grounds to believe that an individual has failed or refused to comply with a warning notice issued under section 5203, the department or local health department may petition the circuit court for the county of Ingham or for the county served by the local health department for an order as described in subsection (6).

(2) A petition filed under subsection (1) shall state all of the following:

(a) The grounds and underlying facts that demonstrate that the individual is a health threat to others and, unless an emergency order is sought under section 5207, has failed or refused to comply with a warning notice issued under section 5203.

(b) The petitioner's effort to alleviate the health threat to others before the issuance of the warning notice, unless an emergency order is sought under section 5207.

(c) The type of relief sought.

(d) A request for a court hearing on the allegations set forth in the petition.

(3) If a test subject refuses to undergo a test requested by an officer or employee or an arresting individual under section 5204, the officer's or employee's or arresting individual's employer may petition the circuit court for the county in which the employer is located or the appropriate district court for an order as described in subsection (7).

(4) A petition filed under subsection (3) shall state all of the following:

(a) Substantially the same information contained in the request made to an officer's or employee's or arresting individual's employer under section 5204(2) and (3), except that the petition shall contain the name of the arrestee, correctional facility inmate, parolee, or probationer who is the proposed test subject.

(b) The reasons for the officer's or employee's or arresting individual's determination that the exposure described in the request made under section 5204(2) and (3) could have transmitted HIV, HBV, or HCV, or all or a combination of those viruses, along with the date and place the officer or employee or arresting individual received the training in the transmission of bloodborne diseases required under section 5204(1).

(c) The fact that the arrestee, correctional facility inmate, parolee, or probationer has refused to undergo the test or tests requested under section 5204(2) and (3).

(d) The type of relief sought.

(e) A request for a court hearing on the allegations set forth in the petition.

(5) Upon receipt of a petition filed under subsection (1), the circuit court shall fix a date for hearing that shall be as soon as possible, but not later than 14 days after the date the petition is filed. Notice of the petition and the time and place of the hearing shall be served personally on the individual and on the petitioner not less than 3 days before the date of the hearing. Notice of the hearing shall include notice of the individual's right to appear at the hearing, the right to present and cross-examine witnesses, and the right to counsel as provided in subsection (12). The individual and the petitioner may waive notice of hearing, and upon filing of the waiver in writing, the circuit court may hear the petition immediately. Upon receipt of a petition filed under subsection (3), the circuit court or the district court shall fix a date for hearing that shall be as soon as possible, but not later than 24 hours after the time and date the petition is filed. Notice of the petition and the time and place of the hearing shall be served personally on both the proposed test subject under section 5204 and the petitioner within a time period that is reasonable under the circumstances. Notice of the hearing shall include notice of the proposed test subject's right to appear at the hearing, the right to present and cross-examine witnesses, and the right to counsel as provided in subsection (12). The proposed test subject and the petitioner may waive notice of the hearing, and upon filing of the waiver in writing, the circuit court or the district court may hear the petition filed under subsection (3) immediately.

(6) Upon a finding by the circuit court that the department or local health department has proven the allegations set forth in a petition filed under subsection (1) by clear and convincing evidence, the circuit court may issue 1 or

more of the following orders:

- (a) An order that the individual participate in a designated education program.
- (b) An order that the individual participate in a designated counseling program.
- (c) An order that the individual participate in a designated treatment program.
- (d) An order that the individual undergo medically accepted tests to verify the individual's status as a carrier or for diagnosis.
- (e) An order that the individual notify or appear before designated health officials for verification of status, testing, or other purposes consistent with monitoring.
- (f) An order that the individual cease and desist conduct that constitutes a health threat to others.
- (g) An order that the individual live part-time or full-time in a supervised setting for the period and under the conditions set by the circuit court.
- (h) Subject to subsection (8), an order that the individual be committed to an appropriate facility for the period and under the conditions set by the circuit court. A commitment ordered under this subdivision shall not be for more than 6 months, unless the director of the facility, upon motion, shows good cause for continued commitment.
- (i) Any other order considered just by the circuit court.

(7) Upon a finding by the circuit court or the district court that the officer's or employee's or arresting individual's employer has proven the allegations set forth in a petition filed under subsection (3), including, but not limited to, the requesting officer's or employee's or arresting individual's description of his or her exposure to the blood or body fluids of the proposed test subject, the circuit court or the district court may issue an order requiring the proposed test subject to undergo a test for HIV infection, HBV infection, or HCV infection, or all or a combination of the 3 infections.

(8) The circuit court shall not issue an order authorized under subsection (6)(h) unless the court first considers the recommendation of a commitment review panel appointed by the court under this subsection to review the need for commitment of the individual to a health facility. The commitment review panel shall consist of 3 physicians appointed by the court from a list of physicians submitted by the department. Not less than 2 of the physicians shall have training and experience in the diagnosis and treatment of serious communicable diseases and infections. However, upon the motion of the individual who is the subject of the order, the court shall appoint as 1 member of the commitment review panel a physician who is selected by the individual. The commitment review panel shall do all of the following:

- (a) Review the record of the proceeding.
- (b) Interview the individual, or document the reasons why the individual was not interviewed.
- (c) Recommend either commitment or an alternative or alternatives to commitment, and document the reasons for the recommendation.

(9) An individual committed to a facility under subsection (6)(h) may appeal to the circuit court for a commitment review panel recommendation as to whether or not the patient's commitment should be terminated. Upon the filing of a claim of appeal under this subsection, the court shall reconvene the commitment review panel appointed under subsection (5) as soon as practicable, but not more than 14 days after the filing of the claim of appeal. Upon reconvening, the commitment review panel shall do all of the following:

- (a) Review the appeal and any other information considered relevant by the commitment review panel.
- (b) Interview the individual, or document the reasons why the individual was not interviewed.
- (c) Recommend to the court either termination or continuation of the commitment, and document the reasons for the recommendation.

(10) Upon receipt of the recommendation of the commitment review panel under subsection (9), the circuit court may terminate or continue the commitment.

(11) The cost of implementing an order issued under subsection (6) shall be borne by the individual who is the subject of the order, unless the individual is unable to pay all or a part of the cost, as determined by the circuit court. If the court determines that the individual is unable to pay all or a part of the cost of implementing the order, then the state shall pay all of the cost or that part of the cost that the individual is unable to pay, upon the certification of the department. The cost of implementing an order issued under subsection (7) shall be borne by the arrestee, correctional facility inmate, parolee, or probationer who is tested under the order.

(12) An individual who is the subject of a petition filed under this section or an affidavit filed under section 5207 has the right to counsel at all stages of the proceedings. If the individual is unable to pay the cost of counsel, the circuit court shall appoint counsel for the individual.

(13) An order issued by the circuit court under subsection (6) may be appealed to the court of appeals. The court of appeals shall hear the appeal within 30 days after the date the claim of appeal is filed with the court of appeals.

However, an order issued by the circuit court under subsection (6) shall not be stayed pending appeal, unless ordered by the court of appeals on motion for good cause. An order issued by the circuit court under subsection (7) may be appealed to the court of appeals. The court of appeals shall hear the appeal within 15 days after the date the claim of appeal is filed with the court of appeals. However, an order issued by the circuit court under subsection (7) shall not be stayed pending appeal, unless ordered by the court of appeals on motion for good cause. An order issued by a district court under subsection (7) may be appealed to the circuit court for the county in which the district court is located. The circuit court shall hear the appeal within 15 days after the date the claim of appeal is filed with the circuit court. However, an order issued by a district court under subsection (7) shall not be stayed pending appeal, unless ordered by the circuit court on motion for good cause.

(14) An individual committed to a facility under this section who leaves the facility before the date designated in the commitment order without the permission of the circuit court or who refuses to undergo a test for HIV infection, HBV infection, HCV infection, or all or a combination of the 3 infections is guilty of contempt.

**History:** Add. 1988, Act 490, Eff. Mar. 30, 1989;—Am. 1997, Act 57, Eff. Jan. 1, 1998;—Am. 2000, Act 37, Imd. Eff. Mar. 17, 2000.

**Popular name:** Act 368

## PUBLIC HEALTH CODE (EXCERPT)

### Act 368 of 1978

#### **333.5207 Protection of public health in emergency; affidavit; court order; taking individual into custody; transporting individual to emergency care or treatment facility; temporary detention; notice of hearing; continued temporary detention; petition.**

Sec. 5207. (1) To protect the public health in an emergency, upon the filing of an affidavit by a department representative or a local health officer, the circuit court may order the department representative, local health officer, or a peace officer to take an individual whom the court has reasonable cause to believe is a carrier and is a health threat to others into custody and transport the individual to an appropriate emergency care or treatment facility for observation, examination, testing, diagnosis, or treatment and, if determined necessary by the court, temporary detention. If the individual is already institutionalized in a facility, the court may order the facility to temporarily detain the individual. An order issued under this subsection may be issued in an ex parte proceeding upon an affidavit of a department representative or a local health officer. The court shall issue an order under this subsection upon a determination that reasonable cause exists to believe that there is a substantial likelihood that the individual is a carrier and a health threat to others. An order under this subsection may be executed on any day and at any time, and shall be served upon the individual who is the subject of the order immediately upon apprehension or detention.

(2) An affidavit filed by a department representative or a local health officer under subsection (1) shall set forth the specific facts upon which the order is sought including, but not limited to, the reasons why an emergency order is sought.

(3) An individual temporarily detained under subsection (1) shall not be detained longer than 72 hours, excluding Saturdays, Sundays, and legal holidays, without a court hearing to determine if the temporary detention should continue.

(4) Notice of a hearing under subsection (3) shall be served upon the individual not less than 24 hours before the hearing is held. The notice shall contain all of the following information:

- (a) The time, date, and place of the hearing.
- (b) The grounds and underlying facts upon which continued detention is sought.
- (c) The individual's right to appear at the hearing.
- (d) The individual's right to present and cross-examine witnesses.
- (e) The individual's right to counsel, including the right to counsel designated by the circuit court, as described in section 5205(13).

(5) The circuit court may order that the individual continue to be temporarily detained if the court finds, by a preponderance of the evidence, that the individual would pose a health threat to others if released. An order under this subsection to continued temporary detention shall not continue longer than 5 days, unless a petition is filed under section 5205. If a petition is filed under section 5205, the temporary detention shall continue until a hearing on the petition is held under section 5205.

**History:** Add. 1988, Act 490, Eff. Mar. 30, 1989;—Am. 1997, Act 57, Eff. Jan. 1, 1998.

**Popular name:** Act 368



## REVISED JUDICATURE ACT OF 1961 (EXCERPT)

### Act 236 of 1961

**600.2950 Personal protection order; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided in same household from certain conduct; respondent required to carry concealed weapon; omitting address of residence from documents; issuance, contents, effectiveness, duration, and service of personal protection order; entering order into L.E.I.N.; notice; failure to comply with order; false statement to court; enforcement; minor; definitions.**

Sec. 2950. (1) Except as provided in subsections (27) and (28), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following:

- (a) Entering onto premises.
- (b) Assaulting, attacking, beating, molesting, or wounding a named individual.
- (c) Threatening to kill or physically injure a named individual.
- (d) Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- (e) Purchasing or possessing a firearm.
- (f) Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
- (g) Interfering with petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment.
- (h) Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.
- (i) Engaging in conduct that is prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.
- (j) Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.

(2) If the respondent is a person who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer certified by the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, the petitioner shall notify the court of the respondent's occupation prior to the issuance of the personal protection order. This subsection does not apply to a petitioner who does not know the respondent's occupation.

(3) A petitioner may omit his or her address of residence from documents filed with the court under this section. If a petitioner omits his or her address of residence, the petitioner shall provide the court with a mailing address.

(4) The court shall issue a personal protection order under this section if the court determines that there is reasonable cause to believe that the individual to be restrained or enjoined may commit 1 or more of the acts listed in subsection (1). In determining whether reasonable cause exists, the court shall consider all of the following:

- (a) Testimony, documents, or other evidence offered in support of the request for a personal protection order.
- (b) Whether the individual to be restrained or enjoined has previously committed or threatened to commit 1 or more of the acts listed in subsection (1).

(5) A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1)(a) if all of the following apply:

- (a) The individual to be restrained or enjoined is not the spouse of the moving party.
- (b) The individual to be restrained or enjoined or the parent, guardian, or custodian of the minor to be restrained



or enjoined has a property interest in the premises.

(c) The moving party or the parent, guardian, or custodian of a minor petitioner has no property interest in the premises.

(6) A court shall not refuse to issue a personal protection order solely due to the absence of any of the following:

- (a) A police report.
- (b) A medical report.
- (c) A report or finding of an administrative agency.
- (d) Physical signs of abuse or violence.

(7) If the court refuses to grant a personal protection order, it shall state immediately in writing the specific reasons it refused to issue a personal protection order. If a hearing is held, the court shall also immediately state on the record the specific reasons it refuses to issue a personal protection order.

(8) A personal protection order shall not be made mutual. Correlative separate personal protection orders are prohibited unless both parties have properly petitioned the court pursuant to subsection (1).

(9) A personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge. Upon service, a personal protection order may also be enforced by another state, an Indian tribe, or a territory of the United States.

(10) The court shall designate the law enforcement agency that is responsible for entering the personal protection order into the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(11) A personal protection order shall include all of the following, and to the extent practicable the following shall be contained in a single form:

(a) A statement that the personal protection order has been entered to restrain or enjoin conduct listed in the order and that violation of the personal protection order will subject the individual restrained or enjoined to 1 or more of the following:

(i) If the respondent is 17 years of age or more, immediate arrest and the civil and criminal contempt powers of the court, and that if he or she is found guilty of criminal contempt, he or she shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.

(ii) If the respondent is less than 17 years of age, immediate apprehension or being taken into custody, and subject to the dispositional alternatives listed in section 18 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

(iii) If the respondent violates the personal protection order in a jurisdiction other than this state, the respondent is subject to the enforcement procedures and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.

(b) A statement that the personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge, and that, upon service, a personal protection order also may be enforced by another state, an Indian tribe, or a territory of the United States.

(c) A statement listing the type or types of conduct enjoined.

(d) An expiration date stated clearly on the face of the order.

(e) A statement that the personal protection order is enforceable anywhere in Michigan by any law enforcement agency.

(f) The law enforcement agency designated by the court to enter the personal protection order into the law enforcement information network.

(g) For ex parte orders, a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the order and that motion forms and filing instructions are available from the clerk of the court.

(12) An ex parte personal protection order shall be issued and effective without written or oral notice to the individual restrained or enjoined or his or her attorney if it clearly appears from specific facts shown by verified complaint, written motion, or affidavit that immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before a personal protection order can be issued.

(13) A personal protection order issued under subsection (12) is valid for not less than 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. The motion to modify or rescind the personal protection order shall be filed within 14 days after the order is served or after the individual restrained or enjoined has received actual notice of the

personal protection order unless good cause is shown for filing the motion after the 14 days have elapsed.

(14) Except as otherwise provided in this subsection, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 14 days after the filing of the motion to modify or rescind. If the respondent is a person described in subsection (2) and the personal protection order prohibits him or her from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the filing of the motion to modify or rescind.

(15) The clerk of the court that issues a personal protection order shall do all of the following immediately upon issuance and without requiring a proof of service on the individual restrained or enjoined:

(a) File a true copy of the personal protection order with the law enforcement agency designated by the court in the personal protection order.

(b) Provide the petitioner with not less than 2 true copies of the personal protection order.

(c) If respondent is identified in the pleadings as a law enforcement officer, notify the officer's employing law enforcement agency, if known, about the existence of the personal protection order.

(d) If the personal protection order prohibits respondent from purchasing or possessing a firearm, notify the concealed weapon licensing board in respondent's county of residence about the existence and contents of the personal protection order.

(e) If the respondent is identified in the pleadings as a department of corrections employee, notify the state department of corrections about the existence of the personal protection order.

(f) If the respondent is identified in the pleadings as being a person who may have access to information concerning the petitioner or a child of the petitioner or respondent and that information is contained in friend of the court records, notify the friend of the court for the county in which the information is located about the existence of the personal protection order.

(16) The clerk of the court shall inform the petitioner that he or she may take a true copy of the personal protection order to the law enforcement agency designated by the court in subsection (10) to be immediately entered into the law enforcement information network.

(17) The law enforcement agency that receives a true copy of the personal protection order under subsection (15) or (16) shall immediately and without requiring proof of service enter the personal protection order into the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(18) A personal protection order issued under this section shall be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the individual restrained or enjoined or by any other manner provided in the Michigan court rules. If the individual restrained or enjoined has not been served, a law enforcement officer or clerk of the court who knows that a personal protection order exists may, at any time, serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined about the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. If the respondent is less than 18 years of age, the parent, guardian, or custodian of that individual shall also be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the parent, guardian, or custodian of the individual restrained or enjoined. A proof of service or proof of oral notice shall be filed with the clerk of the court issuing the personal protection order. This subsection does not prohibit the immediate effectiveness of a personal protection order or its immediate enforcement under subsections (21) and (22).

(19) The clerk of the court shall immediately notify the law enforcement agency that received the personal protection order under subsection (15) or (16) if either of the following occurs:

(a) The clerk of the court has received proof that the individual restrained or enjoined has been served.

(b) The personal protection order is rescinded, modified, or extended by court order.

(20) The law enforcement agency that receives information under subsection (19) shall enter the information or cause the information to be entered into the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(21) Subject to subsection (22), a personal protection order is immediately enforceable anywhere in this state by any law enforcement agency that has received a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(22) If the individual restrained or enjoined has not been served, the law enforcement agency or officer responding to a call alleging a violation of a personal protection order shall serve the individual restrained or

enjoined with a true copy of the order or advise the individual restrained or enjoined about the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. The law enforcement officer shall enforce the personal protection order and immediately enter or cause to be entered into the law enforcement information network that the individual restrained or enjoined has actual notice of the personal protection order. The law enforcement officer also shall file a proof of service or proof of oral notice with the clerk of the court issuing the personal protection order. If the individual restrained or enjoined has not received notice of the personal protection order, the individual restrained or enjoined shall be given an opportunity to comply with the personal protection order before the law enforcement officer makes a custodial arrest for violation of the personal protection order. The failure to immediately comply with the personal protection order shall be grounds for an immediate custodial arrest. This subsection does not preclude an arrest under section 15 or 15a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under section 14 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

(23) An individual who is 17 years of age or more and who refuses or fails to comply with a personal protection order under this section is subject to the criminal contempt powers of the court and, if found guilty, shall be imprisoned for not more than 93 days and may be fined not more than \$500.00. An individual who is less than 17 years of age and who refuses or fails to comply with a personal protection order issued under this section is subject to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty provided for under this section may be imposed in addition to a penalty that may be imposed for another criminal offense arising from the same conduct.

(24) An individual who knowingly and intentionally makes a false statement to the court in support of his or her petition for a personal protection order is subject to the contempt powers of the court.

(25) A personal protection order issued under this section is also enforceable under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

(26) A personal protection order issued under this section is also enforceable under chapter 17.

(27) A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1) if any of the following apply:

- (a) The respondent is the unemancipated minor child of the petitioner.
- (b) The petitioner is the unemancipated minor child of the respondent.
- (c) The respondent is a minor child less than 10 years of age.

(28) If the respondent is less than 18 years of age, issuance of a personal protection order under this section is subject to chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(29) A personal protection order that is issued prior to the effective date of the amendatory act that added this subsection is not invalid on the ground that it does not comply with 1 or more of the requirements added by this amendatory act.

(30) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Federal law enforcement officer" means an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility is the enforcement of laws of the United States.

(c) "Personal protection order" means an injunctive order issued by the circuit court or the family division of circuit court restraining or enjoining activity and individuals listed in subsection (1).

**History:** Add. 1983, Act 228, Imd. Eff. Nov. 28, 1983;—Am. 1994, Act 58, Eff. July 1, 1994;—Am. 1994, Act 61, Eff. July 1, 1994;—Am. 1994, Act 341, Eff. Apr. 1, 1996;—Am. 1994, Act 402, Eff. Apr. 1, 1995;—Am. 1996, Act 10, Eff. June 1, 1996;—Am. 1997, Act 115, Imd. Eff. Aug. 21, 1997;—Am. 1998, Act 477, Eff. Mar. 1, 1999;—Am. 1999, Act 268, Eff. July 1, 2000;—Am. 2001, Act 200, Eff. Apr. 1, 2002.

**REVISED JUDICATURE ACT OF 1961 (EXCERPT)**  
**Act 236 of 1961**

**600.2950a Personal protection order restraining or enjoining individual from engaging in conduct prohibited under §§ 750.411h and 750.411i; facts alleging stalking; respondent required to carry concealed weapon; omitting address of residence from documents; reasons for issuing or refusing to grant order; mutual order prohibited; effectiveness, issuance, contents, and duration of order; duties of court clerk; entering order into L.E.I.N.; service; notice to law enforcement agency; enforcement; refusal or failure to comply; false statement to court; purchase or possession of firearm; minor; issuance to prisoner prohibited; definitions.**

Sec. 2950a. (1) Except as provided in subsections (25) and (26), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin an individual from engaging in conduct that is prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i. Relief shall not be granted unless the petition alleges facts that constitute stalking as defined in section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i. Relief may be sought and granted under this section whether or not the individual to be restrained or enjoined has been charged or convicted under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i, for the alleged violation.

(2) If the respondent is a person who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer certified by the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, a department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, the petitioner shall notify the court of the respondent's occupation prior to the issuance of the personal protection order. This subsection does not apply to a petitioner who does not know the respondent's occupation.

(3) A petitioner may omit his or her address of residence from documents filed with the court under this section. If a petitioner omits his or her address of residence, the petitioner shall provide the court a mailing address.

(4) If a court refuses to grant a personal protection order, the court shall immediately state in writing the specific reasons for issuing or refusing to issue a personal protection order. If a hearing is held, the court shall also immediately state on the record the specific reasons for issuing or refusing to issue a personal protection order.

(5) A personal protection order shall not be made mutual. Correlative separate personal protection orders are prohibited unless both parties have properly petitioned the court according to subsection (1).

(6) A personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge. Upon service, a personal protection order also may be enforced by another state, an Indian tribe, or a territory of the United States.

(7) The court shall designate the law enforcement agency that is responsible for entering the personal protection order into the L.E.I.N.

(8) A personal protection order issued under this section shall include all of the following, and to the extent practicable contained in a single form:

(a) A statement that the personal protection order has been entered to enjoin or restrain conduct listed in the order and that violation of the personal protection order will subject the individual restrained or enjoined to 1 or more of the following:

(i) If the respondent is 17 years of age or more, immediate arrest and the civil and criminal contempt powers of the court, and that if he or she is found guilty of criminal contempt, he or she shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.

(ii) If the respondent is less than 17 years of age, to immediate apprehension or being taken into custody, and subject to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

(iii) If the respondent violates the personal protection order in a jurisdiction other than this state, the respondent is subject to the enforcement procedures and penalties of the state, Indian tribe, or United States territory under whose

jurisdiction the violation occurred.

(b) A statement that the personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge, and that upon service, a personal protection order also may be enforced by another state, an Indian tribe, or a territory of the United States.

(c) A statement listing each type of conduct enjoined.

(d) An expiration date stated clearly on the face of the order.

(e) A statement that the personal protection order is enforceable anywhere in Michigan by any law enforcement agency.

(f) The law enforcement agency designated by the court to enter the personal protection order into the L.E.I.N.

(g) For an ex parte order, a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the personal protection order and that motion forms and filing instructions are available from the clerk of the court.

(9) An ex parte personal protection order shall not be issued and effective without written or oral notice to the individual enjoined or his or her attorney unless it clearly appears from specific facts shown by verified complaint, written motion, or affidavit that immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will precipitate adverse action before a personal protection order can be issued.

(10) A personal protection order issued under subsection (9) is valid for not less than 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. The motion to modify or rescind the personal protection order shall be filed within 14 days after the order is served or after the individual restrained or enjoined has received actual notice of the personal protection order unless good cause is shown for filing the motion after 14 days have elapsed.

(11) Except as otherwise provided in this subsection, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 14 days after the filing of the motion to modify or rescind. If the respondent is a person described in subsection (2) and the personal protection order prohibits him or her from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the filing of the motion to modify or rescind.

(12) The clerk of the court that issues a personal protection order shall do all of the following immediately upon issuance without requiring proof of service on the individual restrained or enjoined:

(a) File a true copy of the personal protection order with the law enforcement agency designated by the court in the personal protection order.

(b) Provide petitioner with not less than 2 true copies of the personal protection order.

(c) If respondent is identified in the pleadings as a law enforcement officer, notify the officer's employing law enforcement agency about the existence of the personal protection order.

(d) If the personal protection order prohibits the respondent from purchasing or possessing a firearm, notify the concealed weapon licensing board in respondent's county of residence about the existence and content of the personal protection order.

(e) If the respondent is identified in the pleadings as a department of corrections employee, notify the state department of corrections about the existence of the personal protection order.

(f) If the respondent is identified in the pleadings as being a person who may have access to information concerning the petitioner or a child of the petitioner or respondent and that information is contained in friend of the court records, notify the friend of the court for the county in which the information is located about the existence of the personal protection order.

(13) The clerk of the court shall inform the petitioner that he or she may take a true copy of the personal protection order to the law enforcement agency designated by the court in subsection (7) to be immediately entered into the L.E.I.N.

(14) The law enforcement agency that receives a true copy of the personal protection order under subsection (12) or (13) shall immediately, without requiring proof of service, enter the personal protection order into the L.E.I.N.

(15) A personal protection order issued under this section shall be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the individual restrained or enjoined or by any other manner provided in the Michigan court rules. If the individual restrained or enjoined has not been served, a law enforcement officer or clerk of the court who knows that a personal protection order exists may, at any time, serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined about the existence of the personal protection order, the



specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. If the respondent is less than 18 years of age, the parent, guardian, or custodian of that individual shall also be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the parent, guardian, or custodian of the individual restrained or enjoined. A proof of service or proof of oral notice shall be filed with the clerk of the court issuing the personal protection order. This subsection does not prohibit the immediate effectiveness of a personal protection order or immediate enforcement under subsection (18) or (19).

(16) The clerk of the court shall immediately notify the law enforcement agency that received the personal protection order under subsection (12) or (13) if either of the following occurs:

- (a) The clerk of the court has received proof that the individual restrained or enjoined has been served.
- (b) The personal protection order is rescinded, modified, or extended by court order.

(17) The law enforcement agency that receives information under subsection (16) shall enter the information or cause the information to be entered into the L.E.I.N.

(18) Subject to subsection (19), a personal protection order is immediately enforceable anywhere in this state by any law enforcement agency that has received a true copy of the order, is shown a copy of it, or has verified its existence on the L.E.I.N.

(19) If the individual restrained or enjoined has not been served, the law enforcement agency or officer responding to a call alleging a violation of a personal protection order shall serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined about the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. The law enforcement officer shall enforce the personal protection order and immediately enter or cause to be entered into the L.E.I.N. that the individual restrained or enjoined has actual notice of the personal protection order. The law enforcement officer also shall file a proof of service or proof of oral notice with the clerk of the court issuing the personal protection order. If the individual restrained or enjoined has not received notice of the personal protection order, the individual restrained or enjoined shall be given an opportunity to comply with the personal protection order before the law enforcement officer makes a custodial arrest for violation of the personal protection order. Failure to immediately comply with the personal protection order is grounds for an immediate custodial arrest. This subsection does not preclude an arrest under section 15 or 15a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under section 14 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

(20) An individual 17 years of age or more who refuses or fails to comply with a personal protection order issued under this section is subject to the criminal contempt powers of the court and, if found guilty of criminal contempt, shall be imprisoned for not more than 93 days and may be fined not more than \$500.00. An individual less than 17 years of age who refuses or fails to comply with a personal protection order issued under this section is subject to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

(21) An individual who knowingly and intentionally makes a false statement to the court in support of his or her petition for a personal protection order is subject to the contempt powers of the court.

(22) A personal protection order issued under this section is also enforceable under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

(23) A personal protection order issued under this section may enjoin or restrain an individual from purchasing or possessing a firearm.

(24) A personal protection order issued under this section is also enforceable under chapter 17.

(25) A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1) if any of the following apply:

- (a) The respondent is the unemancipated minor child of the petitioner.
- (b) The petitioner is the unemancipated minor child of the respondent.
- (c) The respondent is a minor child less than 10 years of age.

(26) If the respondent is less than 18 years of age, issuance of a personal protection order under this section is subject to chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(27) A personal protection order that is issued before March 1, 1999 is not invalid on the ground that it does not comply with 1 or more of the requirements added by 1998 PA 476.

(28) A court shall not issue a personal protection order under this section if the petitioner is a prisoner. If a personal protection order is issued in violation of this subsection, a court shall rescind the personal protection order upon notification and verification that the petitioner is a prisoner.

(29) As used in this section:

(a) "Federal law enforcement officer" means an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility is the enforcement of laws of the United States.

(b) "L.E.I.N." means the law enforcement information network administered under the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(c) "Personal protection order" means an injunctive order issued by circuit court or the family division of circuit court restraining or enjoining conduct prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

(d) "Prisoner" means a person subject to incarceration, detention, or admission to a prison who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of federal, state, or local law or the terms and conditions of parole, probation, pretrial release, or a diversionary program.

**History:** Add. 1992, Act 262, Eff. Jan. 1, 1993;—Am. 1994, Act 61, Eff. July 1, 1994;—Am. 1994, Act 341, Eff. Apr. 1, 1996;—Am. 1994, Act 404, Eff. Apr. 1, 1995;—Am. 1997, Act 115, Imd. Eff. Aug. 21, 1997;—Am. 1998, Act 476, Eff. Mar. 1, 1999;—Am. 1999, Act 268, Eff. July 1, 2000;—Am. 2001, Act 196, Eff. Apr. 1, 2002;—Am. 2001, Act 201, Eff. Apr. 1, 2002.

#### Rule 3.614 Health Threats to Others

##### (E) Commitment to Facility.

(1) **Renewal of Order of Commitment.** A motion for continuing commitment shall be filed at least 14 days prior to the expiration of the order of commitment. The motion shall be made by the director of the commitment facility or the director's designee. The court shall conduct a hearing on the motion prior to the expiration of the existing order of commitment. Notice shall be given as on the initial petition and to the local department of public health. The court shall reconvene the respondent's Commitment Review Panel. At the hearing, the petitioner must show good cause for continued commitment in the facility. No order of commitment shall exceed 6 months in length.

(2) **Reevaluation at Request of Respondent.** Once within any six-month period or more often by leave of the court, an individual committed to a facility for treatment of an infectious disease may file in the court a petition for a new Commitment Review Panel recommendation on whether the patient's commitment should be terminated. Within 14 days after receipt of the report of the reconvened Commitment Review Panel, the court shall review the panel's report and enter an order. The court may modify, continue or terminate its order of commitment without a hearing.

#### Rule 3.615 Parental Rights Restoration Act Proceedings.

##### (H) Filing Petition, Setting Hearing, Notice of Hearing.

(1) The petition shall be filed in person by the minor, attorney or next friend.

(2) The court shall set a time and place for a hearing and notify the filer at the time the petition is filed. The court shall give notice of the hearing only to the minor, the minor's attorney, next friend and guardian ad litem. Notice of hearing may be oral or written and may be given at any time prior to the hearing. The hearing may be scheduled to commence immediately if the minor and her attorney, if any, are ready to proceed.

(3) Insofar as practical, at the minor's request the hearing shall be scheduled at a time and place that will not interfere with the minor's school attendance.

#### Rule 3.705 Issuance of Personal Protection Orders

##### (A) Ex Parte Orders.

(1) The court must rule on a request for an ex parte order within 24 hours of the filing of the petition. . . .



(B) Hearings.

(1) The court shall schedule a hearing as soon as possible in the following instances, unless it determines after interviewing the petitioner that the claims are sufficiently without merit that the action should be dismissed without a hearing:

(a) the petition does not request an ex parte order; or

(b) the court refuses to enter an ex parte order and the petitioner subsequently requests a hearing.

**Rule 3.708 Contempt Proceedings for Violation of Personal Protection Orders**

(C) Arrest.

(1) If the respondent is arrested for violation of a personal protection order as provided in MCL 764.15b(1), the court in the county where the arrest is made shall proceed as provided in MCL 764.15b(2)-(5), except as provided in this rule. . . .

(3) If it appears that a circuit judge will not be available within 24 hours after arrest, the respondent shall be taken, within that time, before a district court, which shall set bond and order the respondent to appear for arraignment before the family division of the circuit court in that county. . . .

(F) Scheduling or Postponing Hearing. Following the respondent's appearance or arraignment, the court shall do the following:

(1) Set a date for the hearing at the earliest practicable time except as required under MCL 764.15b.

(a) The hearing of a respondent being held in custody for an alleged violation of a personal protection order must be held within 72 hours after the arrest, unless extended by the court on the motion of the arrested individual or the prosecuting attorney. The court must set a reasonable bond pending the hearing unless the court determines that release will not reasonably ensure the safety of the individuals named in the personal protection order.

### Rule 3.935 Preliminary Hearing

#### (A) Time.

(1) Commencement. The preliminary hearing must commence no later than 24 hours after the juvenile has been taken into court custody, excluding Sundays and holidays, as defined by MCR 8.110(D)(2), or the juvenile must be released.

(2) General Adjournment. The court may adjourn the hearing for up to 14 days:

(a) to secure the attendance of the juvenile's parent, guardian, or legal custodian or of a witness, or

(b) for other good cause shown.

(3) Special Adjournment; Specified Juvenile Violation. This subrule applies to a juvenile accused of an offense that allegedly was committed between the juvenile's 14th and 17th birthdays and that would constitute a specified juvenile violation listed in MCL 712A.2(a)(1).

(a) On a request of a prosecuting attorney who has approved the submission of a petition with the court, conditioned on the opportunity to withdraw it within 5 days if the prosecuting attorney authorizes the filing of a complaint and warrant with a magistrate, the court shall comply with subrules (i)-(iii).

(i) The court shall adjourn the preliminary hearing for up to 5 days to give the prosecuting attorney the opportunity to determine whether to authorize the filing of a criminal complaint and warrant charging the juvenile with an offense as though an adult pursuant to MCL 764.1f, instead of unconditionally approving the filing of a petition with the court.

(ii) The court, during the special adjournment under subrule 3(a), must defer a decision regarding whether to authorize the filing of the petition.

(iii) The court, during the special adjournment under subrule (3)(a), must release the juvenile pursuant to MCR 3.935(E) or detain the juvenile pursuant to MCR 3.935(D).

(b) If, at the resumption of the preliminary hearing following special adjournment, the prosecuting attorney has not authorized the filing with a magistrate of a criminal complaint and warrant on the charge concerning the juvenile, approval of the petition by the prosecuting attorney shall no longer be deemed conditional and the court shall proceed with the preliminary hearing and decide whether to authorize the petition to be filed.

(c) This rule does not preclude the prosecuting attorney from moving for a waiver of jurisdiction over the juvenile under MCR 3.950.

#### Rule 3.942 Trial

(A) Time. In all cases the trial must be held within 6 months after the filing of the petition, unless adjourned for good cause. If the juvenile is detained, the trial has not started within 63 days after the juvenile is taken into custody, and the delay in starting the trial is not attributable to the defense, the court shall forthwith order the juvenile released pending trial without requiring that bail be posted, unless the juvenile is being detained on another matter.

#### Rule 3.943 Dispositional Hearing

(A) General. A dispositional hearing is conducted to determine what measures the court will take with respect to a juvenile and, when applicable, any other person, once the court has determined following trial or plea that the juvenile has committed an offense.

(B) Time. The interval between the plea of admission or trial and disposition, if any, is within the court's discretion. When the juvenile is detained, the interval may not be more than 35 days, except for good cause.

#### Rule 3.944 Probation Violation

(A) Petition; Temporary Custody.

(1) Upon receipt of a sworn supplemental petition alleging that the juvenile has violated any condition of probation, the court may:

(a) direct that the juvenile be notified pursuant to MCR 3.920 to appear for a hearing on the alleged violation, which notice must include a copy of the probation violation petition and a notice of the juvenile's rights as provided in subrule (C)(1); or

(b) order that the juvenile be apprehended and brought to the court for a detention hearing, which must be commenced within 24 hours after the juvenile has been taken into court custody, excluding Sundays and holidays as defined in MCR 8.110 (D)(2).

(2) When a juvenile is apprehended pursuant to court order as provided in subrule (A)(1)(b), the officer must:

(a) forthwith take the juvenile

(i) to the court for a detention hearing, or

(ii) to the place designated by the court pending the scheduling of a detention hearing;  
and

(b) notify the custodial parent, guardian, or legal custodian that the juvenile has been taken into custody, of the time and place of the detention hearing, if known, and of the need for the presence of the parent, guardian, or legal custodian at the detention hearing.

(B) Detention Hearing; Procedure. At the detention hearing:

- (1) The court must determine whether a parent, guardian, or legal custodian has been notified and is present. If a parent, guardian, or legal custodian has been notified, but fails to appear, the detention hearing may be conducted without a parent, guardian, or legal custodian if a guardian ad litem or attorney appears with the juvenile.
- (2) The court must provide the juvenile with a copy of the petition alleging probation violation.
- (3) The court must read the petition to the juvenile, unless the attorney or juvenile waives the reading.
- (4) The court must advise the juvenile of the juvenile's rights as provided in subrule (C)(1) and of the possible dispositions.
- (5) The juvenile must be allowed an opportunity to deny or otherwise plead to the probation violation. If the juvenile wishes to admit the probation violation or plead no contest, the court must comply with subrule (D) before accepting the plea.
  - (a) If the juvenile admits the probation violation or pleads no contest, and the court accepts the plea, the court may modify the existing order of probation or may order any disposition available under MCL 712A.18 or MCL 712A.18a.
  - (b) If the juvenile denies the probation violation or remains silent, the court must schedule a probation violation hearing, which must commence within 42 days. The court may order the juvenile detained without bond pending the probation violation hearing if there is probable cause to believe the juvenile violated probation. If the hearing is not commenced within 42 days, and the delay in commencing the hearing is not attributable to the juvenile, the juvenile must be released pending hearing without requiring that bail be posted.

Rule 3.945 Dispositional Review

(A) Dispositional Review Hearings.

- (1) Generally. The court must conduct periodic hearings to review the dispositional orders in delinquency cases in which the juvenile has been placed outside the home. Such review hearings must be conducted at intervals designated by the court, or may be requested at any time by a party or by a probation officer or caseworker. The victim has a right to make a statement at the hearing or submit a written statement for use at the hearing, or both. At a dispositional review hearing, the court may modify or amend the dispositional order or treatment plan to include any disposition permitted by MCL 712A.18 and MCL 712A.18a or as otherwise permitted by law. The Michigan Rules of Evidence, other than those with respect to privileges, do not apply.

(2) Required Review Hearings.

(a) If the juvenile is placed in out-of-home care, the court must hold dispositional review hearings no later than every 182 days after the initial disposition, as provided in MCL 712A.19(2).

(b) A review hearing is required before a juvenile is moved to a more physically restrictive type of placement, unless the court in its dispositional order has provided for a more physically restrictive type of placement. A review hearing is not required if the juvenile and a parent consent to the new placement in a writing filed with the court. A juvenile, who has been ordered placed in a juvenile facility, may be released only with the approval of the court.

(B) Hearing to Extend Jurisdiction.

(1) When Required. When a juvenile committed under MCL 712A.18(1)(e) for an offense specified in MCL 712A.18d remains under court jurisdiction after the juvenile's 18th birthday, the court must conduct a hearing to determine whether to extend the court's jurisdiction to age 21, pursuant to MCL 712A.18d.

(a) Time of Hearing. Unless adjourned for good cause, a commitment review hearing must be held as nearly as possible to, but before, the juvenile's 19th birthday.

(b) Notice of Hearing. Notice of the hearing must be given to the prosecuting attorney, the agency or the superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if the address or whereabouts are known, the parent, guardian or legal custodian of the juvenile, at least 14 days before the hearing. The notice must clearly indicate that the court may extend jurisdiction over the juvenile until the juvenile reaches 21 years of age and must include advice to the juvenile and the parent, guardian, or legal custodian that the juvenile has the right to an attorney. . . .

(C) Review of Extended Jurisdiction Cases.

(1) Out-of-Home Care. If the juvenile is placed outside the home, the court must hold a dispositional review hearing no later than every 182 days after the hearing to extend jurisdiction.

(2) Periodic Review. If the institution, agency, or facility to which the juvenile was committed believes that the juvenile has been rehabilitated and does not present a serious risk to public safety, the institution, agency, or facility may petition the court to conduct a review hearing at any time before the juvenile becomes 21 years of age.

### Rule 3.946 Post-Dispositional Secure Detention Pending Return to Placement

(A) If a juvenile who has been found to have committed an offense that would be a misdemeanor or a felony if committed by an adult has been placed out of the home by court order or by the Family Independence Agency, and the juvenile leaves such placement without authority, upon being apprehended the juvenile may be detained without the right to bail. Any detention must be authorized by the court.

(B) If a juvenile is placed in secure detention pursuant to this rule and no new petition is filed that would require a preliminary hearing pursuant to MCR 3.935, and no probation violation petition is filed, the court must conduct a detention hearing within 48 hours after the juvenile has been taken into custody, excluding Sundays and holidays as defined by MCR 8.110(D)(2).

(C) At the detention hearing the court must:

- (1) assure that the custodial parent, guardian, or legal custodian has been notified, if that person's whereabouts are known,
- (2) advise the juvenile of the right to be represented by an attorney,
- (3) determine whether the juvenile should be released or should continue to be detained.

### Rule 3.950 Waiver of Jurisdiction

(D) Hearing Procedure. The waiver hearing consists of two phases. Notice of the date, time, and place of the hearings may be given either on the record directly to the juvenile or to the attorney for the juvenile, the prosecuting attorney, and all other parties, or in writing, served on each individual.

(1) First Phase. The first-phase hearing is to determine whether there is probable cause to believe that an offense has been committed that if committed by an adult would be a felony, and that there is probable cause to believe that the juvenile who is 14 years of age or older committed the offense.

(a) The probable cause hearing shall be commenced within 28 days after the filing of the petition unless adjourned for good cause. . . .

(2) Second Phase. If the court finds the requisite probable cause at the first-phase hearing, or if there is no hearing pursuant to subrule (D)(1)(c), the second-phase hearing shall be held to determine whether the interests of the juvenile and the public would best be served by granting the motion. However, if the juvenile has been previously subject to the general criminal jurisdiction of the circuit court under MCL 712A.4 or 600.606, the court shall waive jurisdiction of the juvenile to the court of general criminal jurisdiction without holding the second-phase hearing.

(a) The second-phase hearing shall be commenced within 28 days after the conclusion of the first phase, or within 35 days after the filing of the petition if there was no hearing pursuant to subrule (D)(1)(c), unless adjourned for good cause. . . .

(F) Denial of Waiver Motion. If the waiver motion is denied, the court shall make written findings or place them on the record. A transcript of the court's findings or, if a written opinion is prepared, a copy of the written opinion must be sent to the prosecuting attorney and the juvenile, or juvenile's attorney, upon request. If the juvenile is detained and the trial of the matter in the family division has not started within 28 days after entry of the order denying the waiver motion, and the delay is not attributable to the defense, the court shall forthwith order the juvenile released pending trial without requiring that bail be posted, unless the juvenile is being detained on another matter.

#### Rule 3.951 Initiating Designated Proceedings

(A) Prosecutor-Designated Cases. The procedures in this subrule apply if the prosecuting attorney submits a petition designating the case for trial in the same manner as an adult.

(1) Time for Arraignment.

(a) If the juvenile is in custody or custody is requested, the arraignment must commence no later than 24 hours after the juvenile has been taken into court custody, excluding Sundays and holidays as defined by MCR 8.110(D)(2), or the juvenile must be released. The court may adjourn the arraignment for up to 7 days to secure the attendance of the juvenile's parent, guardian, or legal custodian or of a witness, or for other good cause shown.

(b) If the juvenile is not in custody and custody is not requested, the juvenile must be brought before the court for an arraignment as soon as the juvenile's attendance can be secured.

#### Rule 3.952 Designation Hearing

(A) Time. The designation hearing shall be commenced within 14 days after the arraignment, unless adjourned for good cause

#### Rule 3.953 Preliminary Examination in Designated Cases

(D) Time. The preliminary examination must commence within 14 days of the arraignment in a prosecutor-designated case or within 14 days after court-ordered designation of a petition, unless the preliminary examination was combined with the designation hearing.

. . .

### Rule 3.956 Review Hearings; Probation Violation

#### (A) Review Hearings in Delayed Imposition of Sentence Cases.

(1) When Required. If the court entered an order of disposition delaying imposition of sentence, the court shall conduct a review hearing to determine whether the juvenile has been rehabilitated and whether the juvenile presents a serious risk to public safety.

##### (a) Time of Hearing.

(i) Annual Review. The court shall conduct an annual review of the probation, including, but not limited to, the services being provided to the juvenile, the juvenile's placement, and the juvenile's progress in placement. In conducting the review, the court must examine any report prepared under MCL 803.223, and any report prepared by the officer or agency supervising probation. The court may order changes in the juvenile's probation on the basis of the review including, but not limited to, imposition of sentence.

(ii) Review on Request of Institution or Agency. If an institution or agency to which the juvenile was committed believes that the juvenile has been rehabilitated and does not present a serious risk to public safety, the institution or agency may petition the court to conduct a review hearing at any time before the juvenile becomes 19 years of age or, if the court has extended jurisdiction, any time before the juvenile becomes 21 years of age.

(iii) Mandatory Review. The court shall schedule a review hearing to be held within 42 days before the juvenile attains the age of 19, unless adjourned for good cause.

(iv) Final Review. The court shall conduct a final review of the juvenile's probation not less than 91 days before the end of the probation period.

### Rule 3.965 Preliminary Hearing

#### (A) Time for Preliminary Hearing.

(1) Child in Protective Custody. The preliminary hearing must commence no later than 24 hours after the child has been taken into protective custody, excluding Sundays and holidays, as defined by MCR 8.110(D)(2), unless adjourned for good cause shown, or the child must be released.

(2) Severely Physically Injured or Sexually Abused Child. When the Family Independence Agency submits a petition in cases in which the child has been severely physically injured, as that term is defined in MCL 722.628(3)(c), or sexually abused, and subrule (A)(1) does not apply, the preliminary hearing must commence no later than 24 hours after the agency submits a petition or on the next business day following the submission of the petition.



#### Rule 3.972 Trial

(A) Time. If the child is not in placement, the trial must be held within 6 months after the filing of the petition unless adjourned for good cause under MCR 3.923(G). If the child is in placement, the trial must commence as soon as possible, but not later than 63 days after the child is placed by the court unless the trial is postponed:

- (1) on stipulation of the parties;
- (2) because process cannot be completed; or
- (3) because the court finds that the testimony of a presently unavailable witness is needed.

When trial is postponed pursuant to subrule (2) or (3), the court shall release the child to the parent, guardian, or legal custodian unless the court finds that releasing the child to the custody of the parent, guardian, or legal custodian will likely result in physical harm or serious emotional damage to the child.

#### Rule 3.973 Dispositional Hearing

(C) Time. The interval, if any, between the trial and the dispositional hearing is within the discretion of the court. When the child is in placement, the interval may not be more than 35 days, except for good cause.

#### Rule 3.977 Termination of Parental Rights

(F) Termination of Parental Rights on the Basis of Different Circumstances. The court may take action on a supplemental petition that seeks to terminate the parental rights of a respondent over a child already within the jurisdiction of the court on the basis of one or more circumstances new or different from the offense that led the court to take jurisdiction. . . .

(2) Time for Hearing on Petition. The hearing on a supplemental petition for termination of parental rights under this subrule shall be held within 42 days after the filing of the supplemental petition. The court may, for good cause shown, extend the period for an additional 21 days.

(G) Termination of Parental Rights; Other. If the parental rights of a respondent over the child were not terminated pursuant to subrule (E) at the initial dispositional hearing or pursuant to subrule (F) at a hearing on a supplemental petition on the basis of different circumstances, and

the child is within the jurisdiction of the court, the court must, if the child is in foster care, or may, if the child is not in foster care, following a dispositional review hearing under MCR 3.975, a progress review under MCR 3.974, or a permanency planning hearing under MCR 3.976, take action on a supplemental petition that seeks to terminate the parental rights of a respondent over the child on the basis of one or more grounds listed in MCL 712A.19b(3).

(1) Time.

(b) Hearing on Petition. The hearing on a supplemental petition for termination of parental rights under this subrule must be held within 42 days after the filing of the supplemental petition. The court may, for good cause shown, extend the period for an additional 21 days.

#### Rule 3.978 Post-Termination Review Hearings

(A) Review Hearing Requirement. Unless the child has been placed in a permanent foster family agreement or is placed with a relative and the placement is intended to be permanent, if a child remains in foster care following the termination of parental rights to the child, the court must conduct a hearing not more than 91 days after the termination of parental rights and at least every 91 days after that hearing to review the child's placement in foster care and the progress toward the child's adoption or other permanent placement, as long as the child is subject to the jurisdiction, control, or supervision of the court, or of the Michigan Children's Institute or other agency.

#### Rule 3.985 Preliminary Hearing

(A) Time.

(1) Commencement. If the respondent was apprehended or arrested for violation of a minor personal protection order or was apprehended or arrested under a court order, and the respondent is taken into court custody or is jailed, the preliminary hearing must commence no later than 24 hours after the minor was apprehended or arrested, excluding Sundays and holidays, as defined in MCR 8.110(D)(2), or the minor must be released. Otherwise, the preliminary hearing must commence as soon as practicable after the apprehension or arrest, or the submission of a supplemental petition.

(2) General Adjournment. The court may adjourn the hearing for up to 14 days:

(a) to secure the attendance of witnesses or the minor's parent, guardian, or custodian, or

(b) for other good cause shown.

### Rule 3.987 Violation Hearing

(A) Time. Upon completion of the preliminary hearing the court shall set a date and time for the violation hearing if the respondent denies the allegations in the supplemental petition. The violation hearing must be held within 72 hours of apprehension, excluding Sundays and holidays, as defined in MCR 8.110(D)(2), if the respondent is detained. If the respondent is not detained the hearing must be held within 21 days.

### Rule 3.988 Dispositional Hearing

(A) Time. The time interval between the entry of judgment finding a violation of a minor personal protection order and disposition, if any, is within the court's discretion, but may not be more than 35 days. When the minor is detained, the interval may not be more than 14 days, except for good cause.

### Rule 3.991 Review of Referee Recommendations

(A) General.

(1) Before signing an order based on a referee's recommended findings and conclusions, a judge of the court shall review the recommendations if requested by a party in the manner provided by subrule (B). . . .

(D) Prompt Review; No Party Appearance Required. Absent good cause for delay, the judge shall consider the request within 21 days after it is filed if the minor is in placement or detention. The judge need not schedule a hearing to rule on a request for review of a referee's recommendations.

### Rule 3.992 Rehearings; New Trial

(A) Time and Grounds. Except for the case of a juvenile tried as an adult in the family division of the circuit court for a criminal offense, a party may seek a rehearing or new trial by filing a written motion stating the basis for the relief sought within 21 days after the date of the order resulting from the hearing or trial. The court may entertain an untimely motion for good cause shown. A motion will not be considered unless it presents a matter not previously presented to the court, or presented, but not previously considered by the court, which, if true, would cause the court to reconsider the case.

## Rule 2.503 Adjournments

(A) Applicability. This rule applies to adjournments of trials, alternative dispute resolution processes, pretrial conferences, and all motion hearings.

(B) Motion or Stipulation for Adjournment.

(1) Unless the court allows otherwise, a request for an adjournment must be by motion or stipulation made in writing or orally in open court and is based on good cause.

(2) A motion or stipulation for adjournment must state

(a) which party is requesting the adjournment,

(b) the reason for it, and

(c) whether other adjournments have been granted in the proceeding and, if so, the number granted.

(3) The entitlement of a motion or stipulation for adjournment must specify whether it is the first or a later request, e.g., "Plaintiff's Request for Third Adjournment."

(C) Absence of Witness or Evidence.

(1) A motion to adjourn a proceeding because of the unavailability of a witness or evidence must be made as soon as possible after ascertaining the facts.

(2) An adjournment may be granted on the ground of unavailability of a witness or evidence only if the court finds that the evidence is material and that diligent efforts have been made to produce the witness or evidence.

(3) If the testimony or the evidence would be admissible in the proceeding, and the adverse party stipulates in writing or on the record that it is to be considered as actually given in the proceeding, there may be no adjournment unless the court deems an adjournment necessary.

(D) Order for Adjournment; Costs and Conditions.

(1) In its discretion the court may grant an adjournment to promote the cause of justice. An adjournment may be entered by order of the court either in writing or on the record in open court, and the order must state the reason for the adjournment.

(2) In granting an adjournment, the court may impose costs and conditions. When an adjournment is granted conditioned on payment of costs, the costs may be taxed summarily to be paid on demand of the adverse party or the adverse party's attorney, and the adjournment may be vacated if nonpayment is shown by affidavit.

(E) Rescheduling.

(1) Except as provided in subrule (E)(2), at the time the proceeding is adjourned under this rule, or as soon thereafter as possible, the proceeding must be rescheduled for a specific date and time.

(2) A court may place the matter on a specified list of actions or other matters which will automatically reappear before the court on the first available date.

(F) Death or Change of Status of Attorney. If the court finds that an attorney

(1) has died or is physically or mentally unable to continue to act as an attorney for a party,

(2) has been disbarred,

(3) has been suspended,

(4) has been placed on inactive status, or

(5) has resigned from active membership in the bar, the court shall adjourn a proceeding in which the attorney was acting for a party. The party is entitled to 28 days' notice that he or she must obtain a substitute attorney or advise the court in writing that the party intends to appear on his or her own behalf. See MCR 9.119.

(Current as of 10/27/2004)

### Rule 3.923 Miscellaneous Procedures

(A) - (F)

(G) Adjournments. Adjournments of trials or hearings in child protective proceedings should be granted only

(1) for good cause,

(2) after taking into consideration the best interests of the child, and

(3) for as short a period of time as necessary.

(Current as of 10/27/2004)

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**710.25 Proceedings; priority; disposition; adjournment or continuance.**

Sec. 25. (1) All proceedings under this chapter shall be considered to have the highest priority and shall be advanced on the court docket so as to provide for their earliest practicable disposition.

(2) An adjournment or continuance of a proceeding under this chapter shall not be granted without a showing of good cause.

**History:** Add. 1982, Act 72, Imd. Eff. Apr. 14, 1982.

**Popular name:** Probate Code

## PROBATE CODE OF 1939 (EXCERPT)

### Act 288 of 1939

#### **712A.17 Hearing; informality; adjournment; transcript; jury; giving security for appearance of juvenile; appearance by prosecuting attorney; legal consultant or legal representation; admitting foster care review board member to hearing; closing hearing to members of general public; "juvenile witness" defined.**

Sec. 17. (1) The court may conduct a hearing other than a criminal hearing in an informal manner. The court shall require stenographic notes or another transcript to be taken of the hearing. The court shall adjourn a hearing or grant a continuance regarding a case under section 2(b) of this chapter only for good cause with factual findings on the record and not solely upon stipulation of counsel or for the convenience of a party. In addition to a factual finding of good cause, the court shall not adjourn the hearing or grant a continuance unless 1 of the following is also true:

- (a) The motion for the adjournment or continuance is made in writing not less than 14 days before the hearing.
- (b) The court grants the adjournment or continuance upon its own motion after taking into consideration the child's best interests. An adjournment or continuance granted under this subdivision shall not last more than 28 days unless the court states on the record the specific reasons why a longer adjournment or continuance is necessary.
- (2) Except as otherwise provided in this subsection, in a hearing other than a criminal trial under this chapter, a person interested in the hearing may demand a jury of 6 individuals, or the court, on its own motion, may order a jury of 6 individuals to try the case. In a proceeding under section 2(h) of this chapter, a jury shall not be demanded or ordered on a supplemental petition alleging a violation of a personal protection order. In a criminal trial, a jury may be demanded as provided by law. The jury shall be summoned and impaneled in accordance with chapter 13 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1300 to 600.1376, and, in the case of a criminal trial, as provided in chapter VIII of the code of criminal procedure, 1927 PA 175, MCL 768.1 to 768.36.
- (3) A parent, guardian, or other custodian of a juvenile held under this chapter has the right to give bond or other security for the appearance of the juvenile at the hearing of the case.
- (4) The prosecuting attorney shall appear for the people when requested by the court, and in a proceeding under section 2(a)(1) of this chapter, the prosecuting attorney shall appear if the proceeding requires a hearing and the taking of testimony.
- (5) In a proceeding under section 2(b) of this chapter, upon request of the family independence agency or an agent of the family independence agency under contract with the family independence agency, the prosecuting attorney shall serve as a legal consultant to the family independence agency or its agent at all stages of the proceeding. If in a proceeding under section 2(b) of this chapter the prosecuting attorney does not appear on behalf of the family independence agency or its agent, the family independence agency may contract with an attorney of its choice for legal representation.
- (6) A member of a local foster care review board established under 1984 PA 422, MCL 722.131 to 722.139a, shall be admitted to a hearing under subsection (1).
- (7) Upon motion of a party or a victim, the court may close the hearing of a case brought under this chapter to members of the general public during the testimony of a juvenile witness or the victim if the court finds that closing the hearing is necessary to protect the welfare of the juvenile witness or the victim. In determining whether closing the hearing is necessary to protect the welfare of the juvenile witness or the victim, the court shall consider the following:
  - (a) The age of the juvenile witness or the victim.
  - (b) The nature of the proceeding.
  - (c) The desire of the juvenile witness, of the witness's family or guardian, or of the victim to have the testimony taken in a room closed to the public.
- (8) As used in subsection (7), "juvenile witness" does not include a juvenile against whom a proceeding is brought under section 2(a)(1) of this chapter.

**History:** Add. 1944, 1st Ex. Sess., Act 54, Imd. Eff. Mar. 6, 1944;—CL 1948, 712A.17;—Am. 1980, Act 499, Imd. Eff. Jan. 21, 1981;—Am. 1982, Act 330, Imd. Eff. Dec. 14, 1982;—Am. 1984, Act 420, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 170, Imd. Eff. July 7, 1986;—Am. 1988, Act 91, Eff. June 1, 1988;—Am. 1988, Act 92, Eff. June 1, 1988;—Am. 1988, Act 224, Eff. Apr. 1, 1989;—Am. 1989, Act 73, Imd. Eff.



June 16, 1989;—Am. 1996, Act 258, Eff. Jan. 1, 1997;—Am. 1997, Act 169, Eff. Mar. 31, 1998;—Am. 1998, Act 325, Imd. Eff. Aug. 3, 1998;—Am. 1998, Act 474, Eff. Mar. 1, 1999.

**Former law:** See section 12 of Ch. XII of Act 288 of 1939; and CL 1929, §§ 12835 and 12836.

**Popular name:** Probate Code

**Popular name:** Juvenile Code

**All Circuit Courts (83)**

Case Category	2002				2003			
	Cases Filed or Reopened	Number of Adjudications	Statewide Clearance Rate	Median Clearance Rate	Cases Filed or Reopened	Number of Adjudications	Statewide Clearance Rate	Median Clearance Rate
Appeals	4,733	4,551	96%	97%	4,305	4,501	105%	100%
Writs	1,700	1,623	95%	100%	1,461	1,506	103%	100%
Civil	53,918	51,767	96%	98%	53,021	52,498	99%	98%
Criminal	67,197	68,064	101%	100%	66,171	66,726	101%	99%
Divorce	50,954	51,128	100%	101%	48,334	49,470	102%	102%
Paternity	17,938	19,574	109%	109%	10,893	12,233	112%	100%
Support	16,086	16,784	104%	101%	11,916	11,726	98%	104%
Other Domestic	3,635	3,498	96%	98%	3,179	3,106	98%	90%
Juvenile Delinquency	60,366	60,529	100%	98%	60,478	57,658	95%	97%
Juvenile Designated	261	208	80%		209	167	80%	
Juvenile Traffic	16,163	15,730	97%	100%	17,818	16,096	90%	96%
<b>All Circuit Court Categories</b>	<b>292,951</b>	<b>293,456</b>	<b>100%</b>		<b>277,785</b>	<b>275,687</b>	<b>99%</b>	

**All Probate Courts (83)**

Case Category	2002				2003			
	Cases Filed or Reopened	Number of Adjudications	Statewide Clearance Rate	Median Clearance Rate	Cases Filed or Reopened	Number of Adjudications	Statewide Clearance Rate	Median Clearance Rate
Estates	20,020	19,166	96%	97%	19,566	18,882	97%	97%
Trusts	920	604	66%		916	739	81%	
Civil	381	389	102%		393	261	66%	
Miscellaneous Matters	533	471	88%		479	409	85%	
Guardianships and Conservatorships	24,544	23,258	95%	97%	23,685	23,645	100%	98%
Admissions and Mental Commitments	13,726	12,780	93%	96%	13,719	13,102	96%	99%
<b>All Probate Court Categories</b>	<b>60,124</b>	<b>56,668</b>	<b>94%</b>		<b>58,758</b>	<b>57,038</b>	<b>97%</b>	

**All District and Municipal Courts (140)\***

Case Category	2002				2003			
	Cases Filed or Reopened	Number of Adjudications	Statewide Clearance Rate	Median Clearance Rate	Cases Filed or Reopened	Number of Adjudications	Statewide Clearance Rate	Median Clearance Rate
Felony and Extradition	106,890	109,390	102%	100%	106,124	105,433	99%	100%
Misdemeanors	893,923	954,855	107%	99%	821,254	828,479	101%	102%
Civil Infractions	1,757,097	1,750,976	100%	100%	1,730,970	1,736,109	100%	100%
General Civil	221,748	204,656	92%	89%	250,808	244,498	97%	99%
Small Claims and Summary Proceedings	268,700	264,843	99%	97%	277,918	272,871	98%	100%
<b>All District/Municipal Court Categories</b>	<b>3,248,358</b>	<b>3,284,720</b>	<b>101%</b>		<b>3,187,074</b>	<b>3,187,390</b>	<b>100%</b>	

\*Excluding the 36th District Court due to the validity of the courts' caseload data.

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### *Delinquency Proceedings*

Where Minor is Detained or Held in Court Custody

**4%** 90% of original petitions/complaints adjudicated and disposed within 84 days from authorization of petition  
**13%** 100% of original petitions/complaints adjudicated and disposed within 98 days from authorization of petition

Where Minor is Not Detained or Held in Court Custody

**8%** 75% of original petitions/complaints adjudicated and disposed within 119 days from authorization of petition  
**13%** 90% of original petitions/complaints adjudicated and disposed within 182 days from authorization of petition  
**22%** 100% of original petitions/complaints adjudicated and disposed within 210 days from authorization of petition

### *Child Protective Proceedings*

Where Child is in Out-of-Home Placement (Foster Care)

**32%** 90% of original petitions adjudicated and disposed within 84 days from authorization of petition  
**38%** 100% of original petitions adjudicated and disposed within 98 days from authorization of petition

Where Child is Not in Out-of-Home Placement (Foster Care)

**27%** 75% of original petitions adjudicated and disposed within 119 days from authorization of petition  
**33%** 90% of original petitions adjudicated and disposed within 182 days from authorization of petition  
**40%** 100% of original petitions adjudicated and disposed within 210 days from authorization of petition

### *Designated Proceedings*

**16%** 90% of original petitions adjudicated within 154 days from designation date  
**86%** 100% of original petitions adjudicated within 301 days from designation date

### *Juvenile Traffic and Ordinance Proceedings*

**5%** 90% adjudicated and disposed within 63 days from first appearance  
**25%** 98% adjudicated and disposed within 91 days from first appearance  
**95%** 100% adjudicated and disposed within 126 days from first appearance

### *Adoption Proceedings*

Petitions for Adoption

**12%** 90% finalized/concluded within 287 days from filing  
**29%** 100% finalized/concluded within 364 days from filing

Petitions to Rescind Adoption

**55%** 100% adjudicated within 91 days from filing

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### *Miscellaneous Family Proceedings*

#### Name Change

**14%** 100% adjudicated within 91 days from filing

#### Safe Delivery

**9%** 100% adjudicated within 273 days from filing

#### Personal Protection Filed Ex Parte

**33%** 100% adjudicated within 24 hours from filing

#### Personal Protection Not Filed Ex Parte

**25%** 90% adjudicated within 14 days from filing

**33%** 100% adjudicated within 21 days from filing

#### Emancipation of Minors

**26%** 100% adjudicated within 91 days from filing

#### Infectious Diseases

**29%** 100% adjudicated within 91 days from filing

#### Parental Waiver

**14%** 100% adjudicated within 5 days from filing

### *Ancillary Proceedings*

#### Guardianship and Conservatorship Proceedings

**8%** 75% of contested matters adjudicated within 182 days from filing

**21%** 90% of contested matters adjudicated within 273 days from filing

**39%** 100% of contested matters adjudicated within 364 days from filing

#### Mental Illness Proceedings; Judicial Admissions

**20%** 90% of petitions adjudicated within 14 days from filing

**49%** 100% of petitions adjudicated within 28 days from filing

### *Criminal Proceedings*

**13%** 90% of felony cases adjudicated within 91 days from entry of order binding defendant over to circuit court

**31%** 98% of felony cases adjudicated within 154 days from entry of order binding defendant over to circuit court

**57%** 100% of felony cases adjudicated within 301 days from entry of order binding defendant over to circuit court

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Generic Formula for Calculating Percents to Compare to Time Guidelines

To determine the percent of cases disposed within a given time frame, divide all the cases disposed within the time frame by all the cases disposed plus anything pending with an age over the time frame.

$$\frac{\text{(All Cases Disposed within a Given Time Frame)}}{\text{(All Cases Disposed) + (Anything Pending with an Age Over a Given Time Frame)}}$$

### Example

The time guidelines state that 90% of divorce without children cases should be disposed within 91 days, 98% within 273 days, and 100% within 364 days.

#### SAMPLE DATA

Divorce Without Children	DO Cases		Time Guidelines
	#	Rate	
Disposed within 91 days.....	20	12.2	90%
Disposed within 273 days.....	*41	29.5	98%
Disposed within 364 days.....	*63	55.8	100%
Disposed after 364 days.....	23		
Pending with an age from 92 to 273 days.....	25		
Pending with an age from 274 to 364 days.....	26		
Pending with an age over 364 days .....	27		
*These numbers, 41 and 63, are cumulative. 20 cases were disposed within 91 days, 21 cases were disposed from 92 days to 273 days, and 22 cases were disposed from 274 days to 364 days. The remaining figures in this column are not cumulative.			

#### SAMPLE CALCULATIONS

To determine the percent of DO cases that were disposed within 91 days, divide 20 by 164. The result is 12.2%, much lower than 90%.

$$\frac{(20)}{(63 + 23) + (25 + 26 + 27)}$$

To determine the percent of DO cases that were disposed within 273 days, divide 41 by 139. The result is 29.5%, much lower than 98%.

$$\frac{(20 + 21)}{(63 + 23) + (26 + 27)}$$

To determine the percent of DO cases that were disposed within 364 days, divide 63 by 113. The result is 55.8%, much lower than 100%.

$$\frac{(20 + 21 + 22)}{(63 + 23) + (27)}$$

DRAFT

DRAFT

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Delinquency Proceedings

	DL		Time Guidelines
	Petitions #	Rate	
Where Minor is Detained or Held in Court Custody and...			
Adjudication and disposition were made within 84 days .....	1	4.2	90%
Adjudication and disposition were made within 98 days .....	2	13.3	100%
Adjudication and disposition were made after 98 days .....	3		
Pending with an age from 85 to 98 days.....	9		
Pending with an age over 98 days .....	10		
Where Minor is Not Detained or Held in Court Custody and...			
Adjudication and disposition were made within 119 days .....	4	7.7	75%
Adjudication and disposition were made within 182 days .....	5	12.5	90%
Adjudication and disposition were made within 210 days .....	6	22.2	100%
Adjudication and disposition were made after 210 days .....	7		
Pending with an age from 120 to 182 days.....	12		
Pending with an age from 183 to 210 days.....	13		
Pending with an age over 210 days .....	14		

Case Type: Delinquency (DL)

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Child Protective Proceedings

	NA Children		Time
	#	Rate	Guidelines
Where Child is in Out-of-Home Placement (Foster Care) and...			
Adjudication and disposition were made within 84 days .....	24	31.6	90%
Adjudication and disposition were made within 98 days .....	23	38.3	100%
Adjudication and disposition were made after 98 days .....	22		
Pending with an age from 85 to 98 days.....	16		
Pending with an age over 98 days .....	15		
Where Child is Not in Out-of-Home Placement (Foster Care) and...			
Adjudication and disposition were made within 119 days .....	20	27.4	75%
Adjudication and disposition were made within 182 days .....	20	33.3	90%
Adjudication and disposition were made within 210 days .....	19	39.6	100%
Adjudication and disposition were made after 210 days .....	18		
Pending with an age from 120 to 182 days.....	13		
Pending with an age from 183 to 210 days.....	12		
Pending with an age over 210 days .....	11		

**Case Type:** Child Protective (NA)

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Designated Proceedings

	DJ		Time Guidelines
	Petitions #	%	
Adjudicated within 154 days .....	6	16.2	90%
Adjudicated within 301 days .....	30	85.7	100%
Adjudicated after 301 days .....	4		
Pending with an age from 155 to 301 days.....	2		
Pending with an age over 301 days .....	1		

**Case Type:** Designated Juvenile (DJ)

### Juvenile Traffic and Ordinance Proceedings

	TL		Time Guidelines
	Citations #	%	
Adjudicated and Disposed within 63 days.....	9	5.4	90%
Adjudicated and Disposed within 91 days.....	40	24.8	98%
Adjudicated and Disposed within 126 days.....	150	94.9	100%
Adjudicated and Disposed after 126 days .....	6		
Pending with an age from 64 to 91 days.....	4		
Pending with an age from 92 to 126 days.....	3		
Pending with an age over 126 days .....	2		

**Case Type:** Traffic and Ordinance (TL)



## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Adoption Proceedings

#### Petitions for Adoption

	AB		AC		AD		AF		AG		AM	
	#	%	#	%	#	%	#	%	#	%	#	%
Disposed within 287 days.....	2	6.3	1	3.6	3	6.3	10	26.3	5	6.3	1	4.3
Disposed within 364 days.....	4	18.2	3	15.8	6	18.2	19	59.4	10	18.2	10	50.0
Disposed after 365 days.....	6		5		9		8		15		2	
Pending with an age of 288 to 364 days.....	10		9		15		6		25		3	
Pending with an age over 365 days .....	12		11		18		5		30		8	

	AM		AN		AO		AY		Adoption Total		Time Guidelines
	#	%	#	%	#	%	#	%	#	%	
Disposed within 287 days.....	1	16.7	3	21.4	5	22.7	7	23.3	38	11.8	90%
Disposed within 364 days.....	1	25.0	3	30.0	5	31.3	7	31.8	68	29.2	100%
Disposed after 365 days.....	1		3		5		7		61		
Pending with an age of 288 to 364 days.....	2		4		6		8		88		
Pending with an age over 365 days .....	2		4		6		8		104		

#### Case Types:

Adult Adoptions (AB)  
Agency International Adoptions (AC)  
Direct Placement Adoptions (AD)  
Relative Adoptions (AF)  
Safe Delivery of Newborn Adoptions (AG)

Agency MCI Adoptions (AM)  
Non-Relative Guardian Adoptions (AN)  
Agency Other Adoptions (AO)  
Step-Parent Adoptions (AY)

#### Petitions to Rescind Adoption

	AY		Time Guidelines
	#	%	
Disposed within 91 days.....	6	54.5	100%
Disposed after 91 days.....	4		
Pending with an age over 91 days .....	1		

**Case Type:** Step-Parent Adoptions Petitions for Rescission (AY)

**DRAFT**

**DRAFT**

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Miscellaneous Family Proceedings

#### Name Change, Emancipation of Minors, and Infectious Diseases

	NC		EM		ID		Time Guidelines
	#	Rate	#	Rate	#	Rate	
Disposed within 91 days.....	1	14.3	5	26.3	9	29.0	100%
Disposed after 91 days.....	2		6		10		
Pending with an age over 91 days .....	4		8		12		

**Case Type:** Name Change (NC)  
Emancipation of Minor (EM)  
Infectious Disease (ID)

Safe Delivery	NB		Time Guidelines
	#	Rate	
Disposed within 273 days.....	1	9.1	100%
Disposed after 273 days.....	3		
Pending with an age over 273 days .....	7		

**Case Type:** Safe Delivery of Newborn Child (NB)

Parental Waiver	PW		Time Guidelines
	#	Rate	
Disposed within 5 days .....	2	14.3	100%
Disposed after 5 days.....	4		
Pending with an age over 5 days.....	8		

**Case Type:** Waiver of Parental Consent (PW)

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Personal Protection

	PJ Petitions		PP Petitions		PH Petitions		Total Petitions		Time
	#	Rate	#	Rate	#	Rate	#	Rate	Guidelines
Case Filed Ex Parte and...									
Disposed within 1 day .....	10	43.5	1	10.0	11	33.3	22	33.3	100%
Disposed after 1 day .....	19		3		22		44		
Pending with an age over 1 day .....	24		10		33		67		
Case Not Filed Ex Parte and...									
Disposed within 14 days.....	8	50.0	3	10.7	11	25.0	22	25.0	90%
Disposed within 21 days.....	15	50.0	7	21.1	22	33.3	44	33.3	100%
Disposed after 21 days.....	6		5		11		22		
Pending with an age from 15 to 21 days.....	2		9		11		22		
Pending with an age over 21 days .....	1		10		11		22		

**Case Type:**     Personal Protection (Juvenile) (PJ)  
                       Personal Protection (Domestic) (PP)  
                       Personal Protection (Stalking) (PH)

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

### Ancillary Proceedings

Guardianship and Conservatorship Proceedings

	CA		CY		DD		GA		GL	
	#	%	#	%	#	%	#	%	#	%
Disposed within 182 days.....	1	2.6	3	4.6	10	19.2	5	4.6	1	2.9
Disposed within 273 days.....	3	10.0	6	12.0	19	41.3	10	11.9	10	32.3
Disposed within 364 days.....	4	20.0	7	20.6	27	67.5	12	21.1	16	61.5
Disposed after 365 days.....	5		9		8		15		2	
Pending with an age of 182 to 273 days.....	9		15		6		25		3	
Pending with an age of 274 to 364 days.....	10		16		6		27		5	
Pending with an age over 365 days.....	11		18		5		30		8	

	GM		LG		PO		Ancillary Proceedings Total		Time Guidelines
	#	%	#	%	#	%	#	%	
Disposed within 182 days.....	3	12.5	5	13.2	7	13.5	40	7.7	75%
Disposed within 273 days.....	6	30.0	10	31.3	14	31.8	88	20.9	90%
Disposed within 364 days.....	9	56.3	15	57.7	21	58.3	123	39.4	100%
Disposed after 365 days.....	3		5		7		69		
Pending with an age of 182 to 273 days.....	4		6		8		101		
Pending with an age of 274 to 364 days.....	4		6		8		109		
Pending with an age over 365 days.....	4		6		8		120		

### Case Types:

Conservators, Adult (CA)  
Conservators, Minor (CY)  
Guardians, Developmental Disability (DD)  
Guardians, Adult Full (GA)

Guardians, Adult Limited (GL)  
Guardians, Minor Full (GM)  
Guardian, Minor Limited (LG)  
Protective Orders (PO)

## 2004 Case Age Report

01/01/2004 through 12/31/2004

Region 5  
99th Circuit Court of Motor County  
Judge Green

Mental Illness Proceedings; Judicial Admissions

	MI		JA		Total		Time
	#	Rate	#	Rate	#	Rate	Guidelines
Disposed within 14 days.....	10	27.0	1	5.9	11	20.4	90%
Disposed within 28 days.....	19	59.4	2	18.2	21	48.8	100%
Disposed after 28 days.....	9		2		11		
Pending with an age from 15 to 28 days.....	5		6		11		
Pending with an age over 28 days .....	4		7		11		

**Case Type:** Mental Illness (MI)  
Judicial Admissions (JA)

X

per judge day

**INSTRUCTIONS:** Keep track of all cases set on the trial calendar (col. 2), both jury and court trials, and account for them in columns (3) through (9). It would be preferable for small to mid-size counties to account for all cases set regardless of case type; large counties may select either civil or criminal calendars for analysis. **BRING THE FORMS TO WORKSHOP #2 FOR USE IN CLASS SESSIONS.**

**DEFINITIONS:** Col. (1): Enter the first day of the week, regardless of the day cases are actually set for trial.  
Col. (2): Enter the total number of cases set on trial calendars during that week.  
Col. (3): Of those set on the trial calendar, how many were removed (regardless of the reason) before the trial date? Compute % by dividing this figure by the total number set.  
Col. (4): Of the total cases set, how many entered a plea or indicated a settlement on the trial date with no judge intervention? Compute the % as for col. (3).  
Col. (5): Of the total cases set, how many were dismissed on the trial date? Compute % as above.  
Col. (6): Of the total set, how many were stricken? Compute % as above.  
Col. (7): Of the total set, how many were continued at the request of one or all attorneys in the case? Compute % as above.  
Col. (8): Of the total set, how many were continued beyond the end of the week because no judge was available? Compute % as above.  
Col. (9): Of the total set, how many actually started trial or were settled with judge assistance? Use the Minnesota definition for "trial start." Compute % as above.  
The sum of columns (3) through (9) should equal column (2).

## Analysis of Judge-Days Available for Trials

[illegible]



Form #2

**DEFINITIONS:** Col. (2) and Col. (3): In small courts or individual calendar courts, "judge-days" = Col. 2 x the number of judges assigned to start trials. Thus, 2 days x 2 trial judges = 4 judge days. In a multi-judge master calendar court, calculate judge days by multiplying number of days in the trial week by the number of judges assigned to the civil or criminal division or assigned to civil or criminal trials (whichever case type you selected).

Col. (8): Enter the number of days on which trials were scheduled and a judge (or judges) was available but no case went to trial or required judge assistance in settlement.



**Michigan Supreme Court  
State Court Administrative Office**

Michigan Hall of Justice  
P.O. Box 30048  
Lansing, MI 48909  
Phone: (517) 373-0130  
John D. Ferry, Jr., State Court Administrator

**MEMORANDUM**

To: Chief Judges  
cc: Court Administrators, Registers, Case Management System Providers,  
Deb Green, James Hughes, Bruce Kilmer, James Covault

From: John D. Ferry, Jr.

Date: August 13, 2004

Re: Confirming Accuracy of Case Management System for Caseload Part 4 Reporting

---

In 2002, our office requested information about Parts 1 and 2 of the Caseload Reporting System from each trial court and their case management system providers. This information was used to ensure that every trial court was capable of accurately reporting caseload information. This year we are requesting similar information to ensure that every trial court is capable of accurately reporting caseload information for Part 4.

Items A and B should be submitted by the organization that controls the calculations of case age. In most locations this information should be submitted by the case management system providers.

- A. Include a description of the data fields, data codes, definitions, and calculations used to age **disposed** cases. Clearly describe how actual occurrences will be used to calculate the disposed case age. Include a description of how and when inactive time will be calculated. Case types with identical calculations should be described together based on the groupings in the collection format (i.e. for circuit court, AA, AE, AL, and AP; for district court, OD, OM, OT, SD, SM, and ST; and for probate court, CA, CY, DD, GG, GL, GM, LG, and PO).
- B. Include a description of the data fields, data codes, definitions, and process used to age **pending** cases. Clearly describe how actual occurrences will be used to calculate the pending case age. Include a description of how and when inactive time will be calculated. Case types with identical calculations should be described together as stated above.

Items C through G should be submitted by the case management system providers. Courts with no information system or a limited information system should submit reports, documents, or tracking sheets used in place of these items.

- C. Include a description of the courts' capability to monitor case progress through the case management system.

- D. Include copies or examples of reports for measuring pending inventory, delay, activity, and scheduling practices. Describe how often these can be generated by the case management system.
- E. Include copies or examples of reports showing compliance with time guidelines. Describe how often these reports can be generated by the case management system.
- F. Optional: Include copies or examples of other reports used to monitor caseflow. Describe how these assist the court in monitoring cases and how frequently they can be generated by the case management system.
- G. Optional: Include copies or examples of other reports listing cases with no next action date, the age of pending cases, the number of cases pending over time standards by judge, the age of cases at each event, the age of cases at disposition, the adjournment rate, the time intervals between events, and any exception reports.

For more information about these requirements, refer to Section I of the Model Local Administrative Order 22 (available online at <http://courts.michigan.gov/scao/resources/other/lao.htm#cmp>). You should also familiarize yourself with Chapters 4 and 5 of the Caseflow Management Guide (available online at <http://www.courts.michigan.gov/scao/resources/publications/manuals/cfmg.pdf>). This guide discusses development of a caseflow management plan and the minimum requirements of a case management and information system for effectively implementing a caseflow management plan.

This information should be submitted to Nial Raaen, Director of Trial Court Services, no later than December 31, 2004. If you have questions about this request or Part 4 of the Caseload Reporting System, please contact Amy Byrd at (517) 373-4864.



**Michigan Supreme Court  
State Court Administrative Office**

P.O. Box 30048  
Lansing, Michigan 48909  
Phone: (517) 373-0130 Fax: (517) 373-2112  
John D. Ferry, Jr., State Court Administrator

**Memorandum**

**DATE:** August 3, 2004

**TO:** Chief Judges  
**cc:** Court Administrators, Clerks, and Registers

**FROM:** John D. Ferry, Jr.

**RE:** Conducting a Physical Pending Case Inventory Prior to Implementation of Part 4 of the Caseload Reporting System on January 1, 2005

---

Part 4 of the Caseload Reporting System is to be implemented on January 1, 2005. In an effort to begin 2005 with good data, a physical pending case inventory of all cases should be conducted by December 31, 2004. If court closure will be necessary in order to complete the inventory, courts should begin their planning as soon as possible in order to submit their local administrative orders in a timely fashion.

**How to Conduct a Pending Case Inventory**

There are two types of pending case inventories. The first type is a count of all cases pending by each case type, as defined by the instructions for the quarterly caseload report. The second type not only counts the cases pending, but also identifies the age and status of each case in order to compute the court's time guidelines performance.

A pending inventory should be conducted at least biennially, at the conclusion of a calendar year. Such an inventory involves a comparison of all cases without adjudication in the court's filing system of open cases against a manual or computerized tracking system report.

If a court utilizes case management software which allows a pending case report to be printed, the report should be produced in the same fashion as cases are filed. A manual report is usually created in case number order as each new case is filed with the court. Whether manual or computerized, the report should include the following information: case number, party name(s), date of complaint, last action date, and next action date.

A comparison between cases in the open files and cases on the pending inventory list may be done either by starting with the list and locating the files, or by going to the shelf or drawer and

comparing all files with the list. While either method will work, the preferred method is to compare the cases in the open shelves/drawers to the inventory list. This method will allow staff to look at every file to identify cases which may have been misfiled.

Every case appearing on the list/report must be located and compared with the last action and next action dates on the list. Where discrepancies exist, the manual report list or the case management software record should be corrected.

After all records and cases have been examined, in courts with case management software the report should be re-run. The total number of cases remaining as pending on either the manual or automated report in each case type code is reported as "Beginning Pending" in the next calendar year's first quarter caseload report.