

Michigan Supreme Court

State Court Administrative Office

Trial Court Services



Frequently Asked Questions

Transfer of Supervision to a Problem-Solving Court

In this document, the term “transferring court” refers to the court that is transferring supervision to the problem-solving court. The transferring court may itself be a problem-solving court, or it may not be a problem-solving court. As used throughout this document, Problem-Solving Court (“PSC”) refers to the court program receiving the transfer.

1. Q: If jurisdiction remains in the transferring court, does the PSC judge have authority over the case?

A: The PSC judge has authority over the case only if they are cross-assigned as a judge in the transferring court as part of the transfer of supervision. The transferring court retains jurisdiction. Once the transfer of supervision is completed and the PSC judge has been cross-assigned, they can sanction, award incentives, issue bench warrants, and authorize jail time.

2. Q: Where does the defendant serve up-front jail?

A: The defendant serves up-front jail in the jurisdiction of the transferring court, and then they are transferred to the PSC.

3. Q: Where does the defendant serve in-program jail?

A: Before completing the transfer, the transferring court and PSC should have an agreement in place regarding where jail sanctions will be served.

4. Q: Who identifies a defendant for transfer to a PSC?

A: Anyone involved in the case at the transferring court can identify a particular defendant as a potential candidate for a PSC program, but most commonly, this is something that the defense attorney or probation officer identifies.

5. Q: Does the transferring court need to prepare a presentence investigation report and assessment if the case is going to be transferred?

A: This is up to the sentencing judge in the transferring court. They may want their probation staff or assessment officer to perform the presentence investigation report and assessment before they sentence. Alternatively, they may feel comfortable with the defendant going to the PSC to be screened and assessed; that report should then be forwarded to the transferring court before sentencing. The PSC will need to assess the defendant to ensure program eligibility.

6. Q: Since the PSC performs a screening/assessment to verify eligibility, can they run LEIN?

A: The PSC should not run a Law Enforcement Information Network (LEIN) check until supervision has been transferred to the PSC. Before the transfer, the State Court Administrative Office (SCAO) recommends that the transferring court run any necessary check through LEIN and either securely fax it to the PSC staff (see LEIN manual for description of “secure fax”) or disseminate any relevant information over the phone if appropriate.

7. Q: What if the PSC refuses to grant a restricted driver’s license with interlock?

A: Before the transfer occurs, the transferring court and/or defense counsel should verify whether the PSC grants restricted driving privileges and be aware of the criteria.

8. Q: What if the defendant is on both MDOC probation/parole and PSC supervision?

A: If the defendant is on both Michigan Department of Corrections (MDOC) probation/parole and PSC supervision, the defendant will need to complete MDOC requirements in addition to any PSC requirements. Some local MDOC offices will not require the defendant to perform duplicate activities (such as substance abuse testing or treatment) and will accept proof of compliance from the PSC. Others may still require the defendant to meet both the requirements of MDOC and the PSC. In any event, communication is important when a defendant is on MDOC probation/parole. For example, if they violate the terms of MDOC probation, they could be incarcerated despite positive progress in the PSC.

- 9. Q: Who agrees to the transfer?**
- A:** The judge, defense attorney, prosecutors from the transferring court and the PSC, and the defendant agree to the transfer. Documenting the agreement in writing is suggested but not mandatory.
- 10. Q: Who accepts the plea?**
- A:** The transferring court accepts a guilty plea, a no-contest plea (in mental-health court), or admission of responsibility (in a juvenile case).
- 11. Q: What if the case is granted special status, such as under MCL 333.7411, MCL 762.11 (HYTA), etc.?**
- A:** At the sentencing hearing, the judge may defer proceedings under MCL 769.4a, MCL 762.11 (Holmes Youthful Training Status (HYTA)), MCL 333.7411, or any other deferred act; delay sentencing under MCL 771.1; or proceed to sentencing and place the defendant on probation in the PSC with terms and conditions.
- 12. Q: Who fills out form MC 394?**
- A:** The transferring court fills out MC 394, maintains the original version in the court file, and sends a copy of it to the PSC for their records. Please see the distribution list at the top of the form, which tells courts exactly where copies need to go.
- 13. Q: Who is responsible for obtaining a cross-assignment?**
- A:** After the transferring court has obtained a judicial assignment from the SCAO, the transferring court enters the cross assignment into the Michigan Court Application Portal (MCAP) and cross-assigns the PSC judge as a judge of the transferring court for the purposes of supervision for that specific case only. This authorizes the PSC judge to act as a judge in the transferring court.
- 14. Q: Where does the defendant pay their fines and costs?**
- A:** The defendant pays fines, costs, fees, and restitution to the transferring court. The defendant pays the PSC program fee to the PSC. The defendant should not be assessed probation oversight fees in the transferring court because the transferring court is not supervising the defendant.
- 15. Q: Does the PSC enter a new case into their case management system?**
- A:** No. It is not a new filing or new case. The PSC should only be using the cash system and scheduling function within their case management system. Please see the JIS (Judicial Information Systems) print screens, which provide step-by-step procedures for the case function on a case that is not entered. It also instructs a court on how to schedule a case for a hearing.

- 16. Q: What if the PSC enters the case into their case management system?**
- A:** If the PSC enters the case, it counts as a case in the transferring court for audit purposes and in the PSC court as a new filing. This might create an issue because, if entered into the PSC's case management system, the case could get abstracted to the Secretary of State (SOS) again and may cause a duplicate entry on the defendant's driving record and possibly in the Criminal History Record (CHR).
- 17. Q: Wouldn't it be easier to sentence the defendant and close out their case, transferring the entire case to the PSC?**
- A:** This would cause many issues. First, there is no authority to change venue without cause. Second, there would likely be a duplicate abstract with SOS and CHR. Third, if the case was under a special act, the PSC could not transfer the case back to the transferring court for purposes of dismissal because the transferring court would have closed the case by then.
- 18. Q: Can the PSC sentence to jail on a sanction?**
- A:** The PSC judge has authority through the cross-assignment to sanction, award incentives, and sentence to jail on a sanction.
- 19. Q: Who authorizes bench warrants?**
- A:** The PSC judge can sign bench warrants as a judge of the transferring court, but bench warrants are issued by the transferring court. Once signed, the transferring court maintains the bench warrant because it is the court of jurisdiction. The transferring court enters the warrant using their Originating Agency Identifier (ORI).
- 20. Q: What happens when the defendant is arrested on the bench warrant?**
- A:** If a defendant is arrested on a bench warrant, the arresting agency contacts the transferring court because it is their ORI on the warrant. The arraignment is in front of the transferring court, and the transferring court has authority to handle the case however it wants. If the PSC no longer agrees to supervise the case, it is transferred back to the transferring court to impose a sentence (the transfer paperwork may or may not have been done at the time of the bench warrant being issued). If the PSC decides that it would like to continue supervising the defendant, then the transferring court can instruct the defendant to report to the PSC program. Communication between the two courts is essential in situations like this.
- 21. Q: What if the PSC unsuccessfully discharges the defendant?**
- A:** The PSC judge orders the defendant to report to the transferring court. The PSC completes form MC 394a and sends it to the transferring court for sentencing or other action by the original transferring court judge. If the defendant had a

restricted license, the PSC needs to send MC 393 to SOS so that it is aware that the defendant did not complete the PSC program.

22. Q: What if the defendant does not pay their fines and costs to the transferring court? Can they issue a show-cause for the defendant?

A: Yes, technically, but it is not advised because the PSC should work with the defendant to maintain regular payments to the transferring court to ensure that the case is paid off on time so that when the defendant is discharged from the PSC, the defendant has no outstanding financial obligations to either jurisdiction.

23. Q: What happens when the PSC participant is discharged?

A: The PSC discharges the defendant using form MC 394a. This form is sent to the transferring court to show that the defendant has been either successful or unsuccessful. The transferring court honors any plea agreements (for example, MCL 333.7411, MCL 771.1, etc.). The PSC notifies SOS if the defendant was on a restricted license (MC 393).

Judicial Information Systems / District Court System

Tracking Payments and Events for Transferred Probation Supervision Cases

Create a financial record on Cash Transaction Screen. Come up with a standard for case numbering (e.g. Year Prefix, Originating Court, Initials of Defendant). In the example below, case 14-D44JLF is used. Populate the *Name* field for the defendants name to print on receipt. For the first receipt, the total amount due is assessed in *BALANCE* column, along with what defendant is paying today in *AMT.PAID*. See **EXAMPLE 1** below.

```

PASSWD █ PoCode PP Case 14-D44JLF Div I Pty D01 Type __ Status █
Cnt 1 01 Name FRANCIS/JOHN/L Jdg/Rcrd

PL __ DS __ PO Judge __ Opn/C1 _ Nxt Pymt __ ROA? _ PoDate 110514
Comment PROBATION SUPERVISION CASE FROM D44

Bond posting: Actn __ Name _____
BOND PAYDOWN: Receipt# _____ Date _____
Actn __ Amount _____ Chk#1 _____ Name _____
Actn __ Amount _____ Chk#2 _____ Name _____

Venue 1 Lst Receipt _____ Balance 750.00
Bal All Cts _____

TYPE BALANCE AMT.PAID TYPE BALANCE AMT.PAID
PBOF 750.00 100.00 _____
_____
_____
_____

Amt. Due: 100.00

Enter-Verify F1-Cash Menu F6-Multi Rcpt F12-Paym Help
    
```

EXAMPLE 1

Judicial Information Systems / District Court System

When defendant makes a subsequent payment, the same case number is used and will reflect current balance due. Type in defendant name if you want it to appear on the receipt. See **EXAMPLE 2** below.

```

PASSWD [REDACTED] PoCode PP Case 14-D44JLF Div T Pty D01
Cnt 1 01 Name FRANCIS/JOHN/L Jdg/Rcld
CASE-NOT-ON-FILE
PL DS PO Judge Opn/Cl Nxt Pymt ROA? PoDate 110614
Comment
Bond posting: Actn Name
BOND PAYDOWN: Receipt# Date
Actn Amount Chk#1 Name
Actn Amount Chk#2 Name
Venue 01 Lst Receipt 110514 100.00 D101027 Balance 650.00
Bal All Cts
TYPE BALANCE AMT.PAID TYPE BALANCE AMT.PAID
PBOF 650.00
Amt. Due:
Roll-Page
F1-Cash Menu F6-Multi Rcpt F12-Paym F7-Finc Roa F4-Mod Assm Help
    
```

EXAMPLE 2

The Financial Register of Actions will reflect any assessments/payments/adjustments to the case number created, even though there is never a matching case record. See **EXAMPLE 3** below.

```

MAYBERRY Status [REDACTED]
Court 2 CASE 14-D44JLF Pty D01 Charge
Name
LST PAYMENT 110614 50.00 D101028 Balance 600.00
NXT DATE Balance Due All Counts 600.00
ASSESSMENT/PAYMENT REGISTER of ACTIONS
DATE CODE - DESCRIPTION ASSESSMENT PAYMENT BALANCE RECEIPT
11/05/14 PBOF PROB OVRSIGT 750.00 100.00 750.00 D101027
PBOF PROB OVRSIGT 650.00 D101027
CASH
11/06/14 PBOF PROB OVRSIGT 50.00 600.00 D101028
CHECK
NXT FIN CASE 14-D44JLF PTY D01 COUNT 01 INQ ST
F5-Cashcode Balances F9-Print Roa F13-OutQ F24-Prior Screen HELP
    
```

EXAMPLE 3

Judicial Information Systems / District Court System

The case will also appear each day on the CASH / CASE-CHARGE-BOND MISMATCHED report. See **EXAMPLE 4** below.

RUN DATE: 11/06/14	99-2 DISTRICT COURT	PAGE	1
FOR: 11/05/14 - 11/06/14	925 W OTTAWA ST		
	MAYBERRY	MI	48915
TRAFFIC/CRIMINAL	CASH / CASE-CHARGE-BOND MISMATCHED		
CASE NO. TYPE	NAME	CNT DATE	NUMBER CSR ERRORS
14-D44JLF		01 11/05/14	D101027 JLF M,
14-D44JLF		01 11/06/14	D101028 JLF M,
ERROR CODES: M = CASE MASTER RECORD IS NOT ON THE COMPUTER			

EXAMPLE 4

If the court needs to schedule some type of hearing or track the matter in some way, use District Court Calendar → F5-Supplemental Entries → District Court Calendar Supplemental Entries screen to enter upcoming events to appear on the calendar. See **EXAMPLE 5** below.

COURTROOM CALENDAR FOR GEORGE W. CROCKETT III						
WEDNESDAY - DECEMBER 3, 2014						
SEQ	CASE#	TYP	PTY	NAME	ATTY/OFF	PROCEEDING CHARGE
				AT 1:30 P.M.		
	*			14-D44JLF FRANCIS/JOHN/L		SHOW CAUSE
				D44 PROB SUPERVISION		

EXAMPLE 5