



Michigan Supreme Court

State Court Administrative Office
Trial Court Services
Michigan Hall of Justice
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Jennifer Warner
Director

MEMORANDUM

DATE: June 20, 2013

TO: Circuit Court Administrators
Family Division Administrators
Probate Registers
County Clerks
Case Management System Vendors
cc Circuit and Probate Judges

FROM: Jim Inloes
Management Analyst

RE: Clarification of Caseload Instructions

During the time guidelines subgroups, several of the judges raised a concern that after they have granted a divorce and placed terms of the divorce on the record the case continues to age until the written order is signed by the judge. They were concerned that the delay between the time of ruling on the record and signing the order could result in the case going outside of the time guidelines. This memo is intended to clarify when a case is adjudicated for purposes of the time guidelines.

For caseload reporting, a divorce case is considered disposed and the case age clock stops when the judge places the proofs on the record. This can be for divorce trials, consent judgments, or default cases. The clerk must enter a disposition code into the case management system at the time the case is adjudicated as described in Part 2 of the caseload instructions. This will stop the case age clock. However, the case should remain in "open status" until the judgment is signed and filed with the clerk in order to verify that the attorneys or parties have prepared the judgment and that the judge signed it. If a JIS court runs a pending civil caseload report, a case that has been disposed but the judgment not yet been signed and filed, will appear on that report as adjudicated but not closed.

We have modified both the caseload reporting instructions and the Q & A on caseload reporting to make this more clear. Additions to the text are indicated with underlining and deleted text is

shown by strikeover.

Caseload Reporting Instructions – Circuit Court Caseload – Part 2: Method of Disposition
Section D: Domestic Relations – Method of Disposition

Report domestic relations cases disposed as follows: For DC, DM, DO, DP, DS, DZ, UD, UE - when all claims of the plaintiff against the defendant or all counter or cross claims have been disposed. Do not count cases disposed when assigned by the State Court Administrative Office to a judge of another court. Enter in the appropriate lines the number of cases disposed for each of the case type codes. **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: Bench Decision after Trial Verdict [MCR 3.211]

Count when decided by judge. ~~Count directed verdict after conclusion of plaintiff's case.~~

Line 2: Uncontested/Default/Settled [MCR 2.600 et seq., 3.210(B), 3.211], 3.216(H)(7), (I)(3)

Count when defaulted for no answer or when a judge approves a consent agreement and it is placed on the record (for example, a pro confesso divorce hearing, judgment is filed including those as a result of mediation when default judgment is entered after plaintiff offers proofs and defendant has failed to appear, or when trial is commenced but case is settled before return of verdict).

Q & A Dispositions: Domestic Relations
Divorce, Generally

Q. When is a divorce or separate maintenance action considered disposed for purposes of caseload and case age reporting and judicated?

A. A divorce case is considered disposed and the case age clock stops when the judge grants the divorce or separate maintenance, after evidence has been presented in open court that there has been a breakdown in the marriage relationship pursuant to MCL 552.6 and MCL 552.7.

If you have any questions, please feel free to contact me at inloesj@courts.mi.gov or 517-373-0122 or Laura Hutzell at hutzell@courts.mi.gov or 517-373-5569.