

Order

**Michigan Supreme Court
Lansing, Michigan**

October 2, 2013

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2013-24

Michael F. Cavanagh
Stephen J. Markman

Administrative Order No. 2013-12

Mary Beth Kelly
Brian K. Zahra

Revised Caseflow Management Guidelines and
Rescission of Administrative Order No. 2011-3

Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, Administrative Order No. 2013-12 is adopted, and Administrative Order No. 2011-3 is rescinded, effective January 1, 2014.

Administrative Order No. 2013-12

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. The trial courts shall not dismiss cases for the sole reason that the case is likely to exceed the guideline. In addition, these guidelines do not supplant judicial discretion if, for good cause, a specific case of any type requires a time line that extends beyond the maximum permitted under these guidelines.

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.

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 or 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 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 and ~~100~~95% within 364 days.
2. *Mental Illness Proceedings; Judicial Admission Proceedings.* 90% of all petitions should be adjudicated within 14 days from the date of filing and ~~100~~98% within 28 days.
3. *Civil Proceedings.* ~~75~~70% of all cases should be adjudicated within 364 days from the date of case filing and ~~100~~95% within 728 days.

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 and ~~100~~98% within 455 days.

- b. Summary Civil. ~~100~~95% 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 there is no jury demand. ~~100~~65% of all landlord/tenant and land contract actions 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~~85% 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 and ~~100~~95% within 126 days.
 - b. Felony and Extradition/Detainer. ~~80~~60% of all preliminary examinations in felony, felony drunk driving, felony traffic, and extradition/detainer cases should be concluded within 14 days of arraignment and ~~100~~75% within 28 days.
 - 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 and ~~100~~98% within 84 days.

Circuit Court Guidelines.

- 1. *Civil Proceedings.* ~~75~~70% of all cases should be adjudicated within 364 days from the date of case filing and ~~100~~95% within 728 days.
- 2. *Domestic Relations Proceedings.*
 - a. Divorce Without Children. ~~90~~85% of all divorce cases without children should be adjudicated within 182 days from the date of case filing and ~~100~~98% within 364 days.
 - b. Divorce With Children. ~~90~~85% of all divorce cases with children should be adjudicated within 301 days from the date of case filing and ~~100~~95% within 364 days.
 - c. Paternity. ~~90~~75% of all paternity cases should be adjudicated within 147 days from the date of case filing and ~~100~~95% within 238 days.
 - d. Responding Interstate Establishment. ~~90~~75% of all incoming interstate actions to establish support should be adjudicated within 147 days from the date of case filing and ~~100~~95% within 238 days.

- e. Child Custody Issues, Other Support, and Other Domestic Relations Matters. ~~90~~75% 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~~95% within 238 days.
3. *Delinquency Proceedings*. Where a minor is being detained or is held in court custody, ~~90~~80% of all original petitions or complaints should have adjudication and disposition completed within 84 days from the authorization of the petition and ~~100~~90% 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 and ~~100~~98% within 210 days.
4. *Child Protective Proceedings*. Where a child is in out-of-home placement (foster care), ~~90~~75% of all original petitions should have adjudication and disposition completed within 84 days from the authorization of the petition and ~~100~~85% 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 and ~~100~~95% within 210 days.
5. *Designated Proceedings*. 90% of all original petitions should be adjudicated within 154 days from the designation date and ~~100~~98% 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 and ~~100~~98% 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~~98% within 364 days.
 - b. Petitions to Rescind Adoption. ~~100~~98% 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~~90% of all petitions should be adjudicated within 126 days from the date of filing.

- b. Safe Delivery. ~~100~~98% 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~~98% of all petitions should be adjudicated within 91 days from the date of filing.
 - e. Infectious Diseases. ~~100~~98% of all petitions should be adjudicated within 91 days from the date of filing.
 - f. Parental Waiver. ~~100~~98% 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 and ~~100~~95% 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~~98% within 28 days.
10. *Criminal Proceedings.* ~~90~~70% 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~~85% within 154 days; and ~~100~~98% within 301 days. Incarcerated persons should be afforded priority for trial.

With SCAO approval, circuit courts may establish by local administrative order an alternative guideline for criminal proceedings that would provide that ~~90%~~75% of all felony cases should be adjudicated within 154 days from the date of entry of the order binding the defendant over to the circuit

court and ~~100~~98% within 301 days. Incarcerated persons should be afforded priority for trial. Courts requesting the alternative guideline must give the sheriff the opportunity to comment on the proposed order.

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

- a. Appeals from Courts of Limited Jurisdiction. ~~100~~98% 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~~98% 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~~90% of all extraordinary writ requests should be adjudicated within 35 days from the date of filing and ~~100~~98% within 91 days.

Staff Comment: Administrative Order No. 2013-12 rescinds Administrative Order No. 2011-3 and updates the guidelines found in that order. The updates revise the guidelines to make them more reflective of disposition rates based on statewide court data and to accommodate the fact that there may be delay in any case type that would make 100 percent disposition nearly impossible. However, the 100 percent disposition expectation remains in place for personal protection petitions.

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



I, Larry S. Royster, 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.

October 2, 2013

Clerk