



## Michigan Supreme Court

State Court Administrative Office

### Friend of the Court Bureau

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Steven D. Capps  
Director

### MEMORANDUM

DATE: September 25, 2019

TO: Friends of the Court  
Chief Circuit Judges  
Presiding Family Division Judges  
Circuit Court Administrators  
Family Division Administrators

FROM: Steven D. Capps

RE: Updated: Family Division Case Inventory Form

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Updates to MCR 3.206(A)(3), in conjunction with updates to MCR 1.109, required persons filing a case initiating document in a domestic relations proceeding to attach a case inventory and serve it on the other party.

On September 11, 2019, the court adopted changes to MCR 1.109 and 3.206(A)(3) that make the case inventory confidential, meaning it is no longer subject to service requirements in MCR 3.203, and it is available only to the party that filed it, the filing party's attorney, the court, and the friend of the court. These changes were made to enable family division courts to administer cases while ensuring information is not disclosed that could affect the safety of domestic violence victims and their children.

The purpose of this memorandum is to provide guidance regarding which cases should be included on the case inventory. If court or FOC staff have any questions, or would like additional information or clarification regarding this memorandum, please contact William J. Bartels at [BartelsB@courts.mi.gov](mailto:BartelsB@courts.mi.gov) or Nikki Withrow at [WithrowN@courts.mi.gov](mailto:WithrowN@courts.mi.gov).

## A. Background

Public Act 388 of 1996<sup>1</sup> created the family division of the circuit court in Michigan. The family division includes cases involving domestic relations, adoptions, juvenile code proceedings,<sup>2</sup> and family division miscellaneous<sup>3</sup> proceedings.<sup>4</sup> Courts assign cases to judges within the family division based on the concept of “one judge, one family” found in MCL 600.1023:

When 2 or more matters within the jurisdiction of the family division of circuit court involving members of the same family are pending in the same judicial circuit, those matters, whenever practicable, shall be assigned to the judge to whom the first such case was assigned.

MCR 3.206(A)(3) implements the “one judge, one family” concept and states:

When any pending or resolved family division case exists that involves family members of the person(s) named in the case-initiating document filed under subrule (2), the filing party must complete and file a case inventory listing those cases, if known.

Public Act 388 of 1996 did not define “members of the same family,” and the court rules do not interpret what the Legislature intended. While there is no disagreement that the case inventory must include cases involving the same parties or their child (e.g. a child’s delinquency or abuse and neglect case, a paternity action involving the same parents and child, another state’s support order involving a child in the case, etc.), there is no statute or court rule stating how far beyond the immediate family members’ cases a filing party will be required to report. While this memo provides guidance, ultimately each trial court will decide which cases must be listed on the case inventory.

On September 11, 2019, the court adopted changes to MCR 1.109 and 3.206(A)(3) that make the case inventory confidential and do not require it to be served on the other party.

## B. Intent and Benefits of Case Inventory

- 1. Provide all of a party’s family division cases on one form.** Before the recent e-Filing court rule changes, a filing party listed other family division cases on the complaint or pleadings. The court’s e-Filing initiative, however, consolidated the listing of a party’s other family division cases into one separate document.
- 2. Assist courts in administering family division cases.** The court must have information about all family division cases that involve the family or its individual family members for the following reasons:

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<sup>1</sup> MCL 600.1001, *et.seq.*

<sup>2</sup> Juvenile code proceedings include delinquency, guardianship, protective proceedings, etc.

<sup>3</sup> Miscellaneous family division proceedings include personal protection orders, name changes, the emancipation of minors, etc.

<sup>4</sup> MCL 600.1021.

- a. To determine which judge has handled cases involving the family so the clerk can assign the case to the proper judge;
- b. To ensure the case is filed in the proper venue pursuant to MCR 3.204, when there are cases involving a different child of the same parents;
- c. To ensure that, whenever possible, cases involving different children of the same parents can be consolidated or, if necessary, transferred and consolidated under MCR 3.212;
- d. To allow the court to provide notice of the new case to other courts as required by MCR 3.205;
- e. To determine whether another state or country has jurisdiction over the parties;
- f. To ensure, when an adoption is completed, that the court has terminated parental rights and will terminate any guardianship cases and child support; and
- g. To ensure custody is granted appropriately in abuse and neglect cases.<sup>5</sup>

### **C. Minimum Requirements for Case Inventory**

The case inventory should list, at a minimum, any family division cases in any jurisdiction:

- Between the parties listed in the case initiating document;
- Involving at least one of the parties listed in the case initiating document; and
- Involving the minor child(ren) of the parties (i.e. abuse and neglect, delinquency, and adoption proceedings).

A filing party should also include any other cases that would assist the court in complying with the obligations listed in section B. Trial courts will determine whether the minimum requirements provide the best possible outcomes for Michigan's families or if listing more cases is necessary.

### **D. Accessing Case Information**

Persons completing the case inventory should match parties listed on the case initiation document and their children-in-common against other data-gathering systems to ensure accuracy, especially for cases involving persons with common names. Those filing on behalf of a party must continue to interview parties to verify information about the court case and identify whether there are family division cases missing from the case inventory.

Filers with access should consider matching parties on the case inventory against those in the Judicial Data Warehouse and the Michigan Child Support Enforcement System (MiCSES) within the parameters the system owners establish. The Office of Child Support issued a memorandum discussing the use of MiCSES to complete the case inventory.

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<sup>5</sup> If the abuse and neglect case closes, the court will need to know the default custody arrangement. If the default custody order provides custody to the parent who is unable to care for the child, the court will need to change the custody order before the abuse and neglect case is closed.