



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: April 10, 2019

TO: Circuit Court Judges
cc: Court Administrators
County Clerks

FROM: Stacy Westra, Management Analyst

RE: Collaborative Law Act Process and Agreements under MCR 3.222; Summary Proceedings for Entry of Consent Judgment or Order under MCR 3.223

Effective April 1, 2019, parties can enter into an agreement to participate in a process that allows them to amicably settle their domestic relations case outside the adversarial process of the court. MCR 3.222 was enacted to provide structure and address the gaps in court administrative practices left unaddressed in the Uniform Collaborative Law Act (UCLA), MCL 691.1331, *et seq.* MCR 3.223 does not apply to collaborative law but does provide a streamlined process for parties to file consent judgments or orders derived through alternative dispute resolution or simple negotiation. The State Court Administrative Office (SCAO), as required under the court rule, has provided forms to assist with both court rules. The following is a basic description of the processes and usage of those SCAO-approved forms.

Collaborative Law Practice – MCR 3.222

Existing Case Under MCR 3.222(B)

The parties to a current domestic relations case in the trial court may jointly decide to enter into the collaborative law process. The attorneys or the parties themselves will then proceed as follows:

- A Joint Motion and Order to Stay Proceedings will be filed in the existing case¹ and SCAO form [CCFD 22, Joint Motion and Order to Stay Proceedings](#) must be used.
- This is a consent order that once granted will stay the case for 364 days. **There is no filing fee for this motion.**²
- Status reports will be filed within 182 days and again at 364 days in the case and SCAO form [CCFD 23, Status Report/Notice](#) must be used. This report notifies the court if negotiations are ongoing, concluded, or terminated. Concluded means the parties are

¹ MCR 3.222(B)(2)

² MCR 2.119(G)(3)(e)

able to reach an agreement and a consent judgment is forthcoming. Terminated means the parties are unable to reach an agreement and may return to the adversarial process.

- If concluded, a consent judgment or order is created by the attorneys/parties and will need to be filed in the existing case.
- If terminated, no consent judgment or order is filed and parties return to the adversarial process of litigation.

New Case Under MCR 3.222(C)

Parties may also participate in collaborative law processes outside the court prior to filing any request for entry of judgment or order with a circuit court. Parties may file with the court at any time during the collaborative law process. The following is the basic process for starting a new collaborative law action:

- SCAO form [CCFD 24, Petition](#) is filed to open a new case with the court. The petition may or may not include the proposed consent judgment or order. This is dependent upon when in the collaborative law process the case was opened. A judgment information form and verified statement is required, if applicable.
- The case caption must read “In the Matter of [Party A Name and Party B Name].”
- Parties must use the domestic relations case types of DC, DO, DM, DP, DS, or DZ.
- Traditional filing, EFS, and domestic relations fees (if applicable) still apply.
- The clerk shall not issue a summons.³
- A case number and judge will be assigned.
- The SCAO form [MC 282a, Domestic Violence Screening](#) must accompany the filing under MCR 3.222(C)(1)(vi) or MCR 3.222(C)(2)(v).
- Status reports may be filed within 182 days and again at 364 days in the case, if the case was initiated prior to conclusion of the collaborative law process. SCAO form [CCFD 23, Status Report/Notice](#), must be used.

Other Applicable Considerations

- The statutory waiting periods still apply unless otherwise waived.
- The parties should not be made subject to any of the normal scheduling orders that apply to adversarial domestic relations cases.
- Proofs may be taken on the record at a hearing before the court.
- The parties are referred to as Party A and Party B in all documents filed with the court. Party A is equivalent to a plaintiff and Party B is equivalent to a defendant.
 - The case management systems (CMS) or registers of action need not be changed to accommodate the new naming convention.
 - It is acceptable for registers of action entries to reflect Plaintiff and Defendant if the CMS is not modified to accommodate the naming convention for these proceedings.
- Parties may terminate the collaborative law process at any time by filing a complaint within the case.⁴ Upon filing of the complaint, the petition is dismissed and a summons is issued for the new complaint.
- The time that the case is stayed does not count toward a court’s time guidelines.

³ MCR 3.222(C)(1)(b)

⁴ MCR 3.222(F)

Summary Proceedings for Entry of Consent Judgment or Order

Original Action Under MCR 3.223

As described earlier, parties may also choose to file consent judgments or orders arrived at through alternative dispute resolution or simple negotiation. MCR 3.223 streamlines the process and works as follows:

- A petition is filed opening an original action in the court. SCAO form [CCFD 25, Petition \(Consent Judgment\)](#) must be used along with:⁵
 - A proposed consent order, signed by both parties;
 - A verified statement and judgment information form, (if applicable); and
 - SCAO form [MC 282a, Domestic Violence Screening](#) for each party (if applicable).
- The case caption must read “In the Matter of [Party A Name and Party B Name].”
- Traditional filing, EFS, and domestic relations fees (if applicable) still apply.
- A case number and judge will be assigned.
- The clerk shall not issue a summons.⁶ The clerk will issue a Notice of Request to Enter Consent Judgment⁷ for the case. SCAO form [CCFD 26, Notice of Request to Enter Consent Judgment](#) must be used.
- The court shall schedule a hearing date no sooner than 60 days after the date of the notice of filing.⁸

Other Applicable Considerations

- The statutory waiting periods still apply unless otherwise waived.
- No other pretrial hearings are to be set, except as requested by motion of the parties.
- The parties are referred to as Party A and Party B in all documents filed with the court. Party A is equivalent to a plaintiff and Party B is equivalent to a defendant.
 - The case management systems (CMS) or registers of action need not be changed to accommodate the new naming convention.
 - It is acceptable for registers of action entries to reflect Plaintiff and Defendant if the CMS is not modified to accommodate the naming convention for these proceedings.
- Both parties must be present for the final hearing on the consent judgment/order.
- Either party may object to this action at any time before entry of the consent judgment or order and the court shall dismiss the case.

For more background on the collaborative law process, courts may reference information found at <https://www.collaborativepracticemi.org/>. If you have any questions regarding either of these processes, you may direct them to Stacy Westra, Management Analyst, at 517-373-9574 or trialcourtservices@courts.mi.gov.

⁵ MCR 3.223(C)(1)(a)(iv)-(vi)

⁶ MCR 3.223(C)(3)(a)

⁷ MCR 3.223(C)(4)

⁸ MCR 3.223(C)(3)(b)