



Michigan Supreme Court

State Court Administrative Office
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Chad C. Schmucker
State Court Administrator

MEMORANDUM

DATE: November 1, 2012

TO: All Judges
cc: Michigan Judges Association Board Members
Court Administrators
County Clerks

FROM: Chad C. Schmucker, State Court Administrator
Marcus Dobek, JIS Director

RE: Calculating Case Age

During a recent meeting with the Michigan Judges Association Board, it became clear that there is some confusion regarding how case age is calculated, particularly for circuit courts that use one of the Judicial Information Systems (JIS). This memo is intended to clarify how case age is calculated on different JIS reports.

When case age is calculated for purposes of reporting to SCAO, the time elapsed during certain events is **not** counted. For example, time elapsed while a felony case is in inactive status due to a bench warrant is not counted toward case age. Time elapsed while a civil case is in inactive status due to a bankruptcy is also not counted toward case age. These events stop the case age clock. In short, the time from when a case is made inactive until it is reopened is not counted toward case age. In the following example, the case age will be reported to SCAO as 20 days, even though the case was filed 11 months earlier.

Circuit Felony Example

Case Event	Date	Clock	Case Age
Entered in Circuit Court	March 1, 2011	Starts	0 days
Made Inactive due to Bench Warrant	March 6, 2011	Stops	5 days
Reopened at Appearance	February 6, 2012	Resumes	5 days
Disposed by Plea	February 21, 2012	Stops	20 days

November 1, 2012

Page 2

For purposes of reporting to SCAO, JIS systems are programmed to stop the clock when a case is made inactive and resume the clock when it is reopened. **The Part 4 Audit Report** reflects the case age as it will be reported to SCAO. Other reports generated from JIS, however, calculate case age differently.

The Pending Criminal Case List provides all criminal cases that have not been closed and the case age reflects the number of days from filing or reopening to the current run date. Time when the case was inactive due to a bench warrant or competency examination is included in the case age on this report.

The Pending Civil Case List provides civil cases that have not been closed and the case age reflects the time from filing to the current run date. Time when the case was inactive due to a stay for bankruptcy or interlocutory appeal is included in the case age on this report.

The report titled **Case Age** provides the number of days from filing or reopening to the current run date. This report also includes any time when the case was inactive.

The attached file describes the events that stop the case age clock for purposes of reporting to SCAO. All case management systems should stop the case age clock when cases are made inactive.

If you have questions about how JIS calculates case age, please contact the JIS-CCS Help Desk at ccshelpdesk@courts.mi.gov or 888-339-1547, Option 3. If you have questions about how other case management systems calculate case age, please contact those system providers directly.

Attachment

Case Age Clock

CIRCUIT FELONY (AX, FC, FH, FJ)

BEGINS – upon entry of the order binding the case to circuit court¹

ENDS – at adjudication or dismissal of all counts against defendant

TIME NOT COUNTED during inactive status as a result of:

- a warrant being issued for nonappearance before adjudication
- a defendant being referred to the Department of Community Health for evaluation to determine whether competent to stand trial
- a defendant being found incompetent to stand trial
- any order entered by an appellate court that stays the case

¹ For a delinquency case, upon entry of the order granting the motion to waive the case to the general criminal jurisdiction of the court.

CIRCUIT CIVIL (CASE TYPES THE BEGIN WITH C, N, P, OR M) OR APPEALS, ADMINISTRATIVE REVIEWS, AND EXTRAORDINARY WRITS

BEGINS – at case filing²

ENDS – at disposal of all claims of all plaintiffs against all defendants or all counter- or cross-claims

TIME NOT COUNTED during inactive status as a result of:

- a case being stayed through an order issued by
 - a higher court for interlocutory appeal
 - the trial court for bankruptcy
 - the trial court for military stay

² For appeals, administrative reviews, and extraordinary writs, the clock starts at the filing of the claim of appeal or other initiating document.

DIVORCE (DO, DM) OR OTHER DOMESTIC RELATIONS (DP, DC, DS, DZ, UD, UE)

BEGINS – at case filing

ENDS – at disposal of all claims of all plaintiffs against all defendants or all counter- or cross-claims

TIME NOT COUNTED during inactive status as a result of:

- a case being stayed through an order issued by
 - a higher court for interlocutory appeal
 - the trial court for military stay

Case Age Clock

CHILD PROTECTIVE (NA)

BEGINS – at authorization of the initial petition³

ENDS – at adjudication and disposition⁴

³ Petitions that are withdrawn, dismissed, transferred, or not otherwise authorized are not reported. However, if the petition is first authorized and then withdrawn, dismissed, or transferred, then it is reported.

⁴ Adjudication and disposition of a petition are considered complete upon entry of an initial order of disposition or some other dispositive order. Cases held in abeyance do not qualify for adjudication and should not be counted as disposed in this report. Report petitions held in abeyance on the Delay in Matters Submitted to Judge (DMS) report on MCAP.

Courts count and report the age of the petition for each child named in the petition.

DELINQUENCY (DL)

BEGINS – at authorization of the initial petition⁵

ENDS – at adjudication and disposition⁶

TIME NOT COUNTED during inactive status as a result of:

- a warrant being issued for nonappearance before adjudication

⁵ Petitions that are waived, dismissed, transferred, placed on consent calendar, diverted, or not otherwise authorized are not reported. However, if the petition is first authorized and then waived, dismissed, transferred, placed on consent calendar or diverted, then it is reported.

⁶ Adjudication and disposition of a petition are considered complete upon entry of an initial order of disposition or some other dispositive order.

JUVENILE TRAFFIC (TL)

BEGINS – at first appearance⁷

ENDS – at adjudication and disposition⁸

TIME NOT COUNTED during inactive status as a result of:

- a warrant being issued for nonappearance before adjudication

⁷ First appearance date means an appearance at a hearing, an appearance by way of motion (such as a motion of nolle prosequi) that is followed by an order (whether that order is the result of a hearing or

Case Age Clock

not), or a payment date, whichever occurs first. If there is no first appearance date as defined above, then do not report in this section.

⁸ Adjudication and disposition of a citation are considered complete upon entry of an initial order of disposition, some other dispositive order, or payment. Note: If the first appearance is the same date as the adjudication and disposition, the age of the citation will be reported as zero days.

DESIGNATED (DJ)

BEGINS – at designation⁹

ENDS – when all counts against the juvenile have been disposed

TIME NOT COUNTED during inactive status as a result of:

- a warrant being issued for nonappearance before adjudication

⁹For prosecutor designated cases, the date of designation is the date the petition was authorized for filing. For court designated cases, the date of designation is the date of the order designating the case. Petitions that are not authorized are not reported.

ESTATE, TRUST, GUARDIANSHIP, CONSERVATORSHIP (DH, DA, DE, PE, TV, TT, CA, DD, GA, GL, CY, GM, LG, PO)

BEGINS – at the joining of the contested matter¹⁰ (when an objection is filed)

ENDS – at resolution of the contested matter

¹⁰ A contested matter is any competing petition, any written responsive pleading requesting relief, or any other situation the court deems the matter to be contested.

MENTAL ILLNESS & JUDICIAL ADMISSION (MI, JA)

BEGINS – at the filing of the petition¹¹

ENDS – at disposition of the petition¹²

TIME NOT COUNTED during inactive status as a result of:

- the original MI petition being deferred

¹¹ In MI cases, if the original petition was reported disposed under "deferred" and a subsequent demand for hearing is filed, measurement begins on the date of the filing for that petition and is completed when disposition after the hearing occurs; however, subtract the period of time under which the original MI petition was deferred.

Case Age Clock

¹² If a demand for hearing is filed in an MI case, the original petition will be reported twice; once as to its age at deferral and again as to its age after the hearing.

DISTRICT FELONY (EX, FY, FD, FT)

BEGINS – at the appearance and arraignment on the complaint and warrant or citation, or at the appearance made by motion and followed by an order¹³

ENDS – at disposition

Starting a preliminary exam does **not** stop the clock. The exam must be finished before the clock stops.

TIME NOT COUNTED during inactive status as a result of:

- a warrant being issued before adjudication
- a defendant being referred to the Department of Community Health for evaluation to determine whether competent to stand trial
- a defendant is found incompetent to stand trial
- any order entered from an appellate court that stays the case

¹³ First appearance means arraignment date (meaning, the arraignment occurred) or an appearance by way of motion (such as a motion of nolle prosequi) that is followed by an order (whether that order is the result of a hearing or not). If no arraignment date is present and the case has not been made inactive, then the age of the case is calculated as zero.

MISDEMEANOR (OM, SM, OD, SD, OT, ST)

BEGINS – at the appearance and arraignment on the complaint and warrant or citation, or at the appearance made by motion and followed by an order¹⁴

ENDS – at adjudication of all counts against the defendant

TIME NOT COUNTED during inactive status as a result of:

- a warrant being issued before adjudication
- a defendant being referred to the Department of Community Health for evaluation to determine whether competent to stand trial
- a defendant is found incompetent to stand trial
- a case being stayed through an order issued by
 - an appellate court for interlocutory appeal
 - the trial court for military stay (for traffic misdemeanors)

¹⁴ First appearance means arraignment date (meaning, the arraignment occurred) or an appearance by way of motion (such as a motion of nolle prosequi) that is followed by an order (whether that order is the result of a hearing or not). If no arraignment date is present, then appearance date means payment date (meaning, a payable citation has had a payment applied).

Case Age Clock

CIVIL INFRACTION (OI, SI, ON, SN, OK, SK)

BEGINS – on the date the original citation is filed

ENDS – at adjudication of all offenses against the defendant

TIME NOT COUNTED during inactive status as a result of:

- a warrant being issued before adjudication
- a defendant being referred to the Department of Community Health for evaluation to determine whether competent to stand trial
- a defendant is found incompetent to stand trial
- a case being stayed through an order issued by
 - a higher court for interlocutory appeal
 - the trial court for military stay
 - the trial court for bankruptcy

DISTRICT GENERAL CIVIL (GC, GZ) OR DISTRICT SUMMARY CIVIL (LT, SC, SP)

BEGINS – on the date of case filing

ENDS – at disposal of all claims of all plaintiffs against all defendants or all counter- or cross-claims

TIME NOT COUNTED during inactive status as a result of:

- a case being stayed through an order issued by
 - a higher court for interlocutory appeal
 - the trial court for military stay
 - the trial court for bankruptcy