

Michigan Supreme Court
State Court Administrative Office
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John D. Ferry, Jr., State Court Administrator

July 15, 1999

TO: Chief Circuit Court Judges, Presiding Judges of Family Division, Family Division Administrators, County Clerks, Systems Vendors

FROM: John D. Ferry, Jr., State Court Administrator

RE: SCAO Administrative Memorandum 1999-04a; Personal Protection Actions Against Minors and Designated Juvenile Cases – Caseload Reporting

On May 18 SCAO Administrative Memorandum 1999-04 was distributed. The memorandum required all courts to file a supplemental caseload report – SCAO Form 40c – to reflect designated juvenile cases and personal protection order filings against minors under two new case type codes. Based upon questions received from various court staff, this memorandum has been prepared to explain further the use of SCAO Form 40c.

General Reporting Tips

There are two new case type codes for designated juvenile cases and for personal protection order filings against minors. [See MCR 8.117(E)(4),(5)] The new codes are:

- DJ** – for all designated juvenile cases under MCL 712A.2(d); and
- PJ** – for all person protection order filings against minors under MCL 712A.2(h).

All courts must use these codes, **and only these codes**, when reporting data on the relevant case types to SCAO.

Although courts must report caseload data on DJ and PJ cases via SCAO 40c, the manner in which the data is collected and stored is left up to individual courts to determine. For automated courts, these new case type codes may not yet be on the relevant court computer system. In such a situation, a court has at least two options:

- (1) Record DJ and PJ caseload data manually, compile the numbers at the end of the reporting period, and then complete Form 40c manually; or
- (2) Record DJ and/or PJ caseload data on an existing system under another case type code (or codes) while keeping a record of the number of DJ and PJ in each total, then, at the end of the reporting period, back out the number of DJ and PJ cases in each total to reveal accurate data for the other case type codes, and complete Form 40c manually using the backed out DJ and PJ caseload numbers.

We suggest that where possible a court use option (1) to avoid the possibility of double counting.

A court may file SCAO Form 40c either monthly with its juvenile caseload report or quarterly along with its Circuit Court caseload report. In fact, if convenient, a court may choose to file a Form 40c with data on one case type (e.g., DJ) monthly with the juvenile caseload report and file another Form 40c with data on the other case type (e.g., PJ) quarterly with the Circuit Court caseload report. **All courts must inform their Regional Administrator of how they plan to submit Form 40c.**

PPOs Against Minors

Petitions requesting a PPO against a minor disposed during the reporting period are to be reported in one of five categories (each with a corresponding line):

- Line 39** – Orders issued ex parte;
- Line 40** – Orders issued after hearing;
- Line 41** – Dismissed/Denied ex parte;
- Line 42** – Dismissed/Denied after hearing;
- Line 43** – Dismissed/Denied by petitioner.

Some of the petitions denied ex parte and recorded on line 41 will also go on to be granted at a hearing and recorded on an additional line:

- Line 47** – Petitions dismissed ex parte; hearing held and personal protection order issued after hearing.

Lines 39-43 and line 47 are to be filled out with the following points in mind:

- ! If an **ex parte** PPO against a minor is requested, the petition will be recorded either on line **39** (if the order was issued ex parte) or on line **41** (if the order was not issued ex parte). For those petitions denied ex parte and recorded on line 41, the following applies:
 - If a subsequent hearing was scheduled to consider the petition, and the petition was again denied at the hearing, **no further information is recorded on Form 40c**. A hearing after ex parte denial is considered post-judgment activity, and so a denial of the petition at such a hearing **would not be counted on line 42**.
 - If a subsequent hearing was scheduled to consider the petition, and the petition was granted at the hearing, since such a hearing is post-judgment activity, the issuance at such a hearing is **not** counted on line 40. However, **such a petition is to be additionally recorded on line 47**. Line 47 is meant to record PPOs issued which otherwise are not counted on lines 39-43, and so helps yield a more accurate measure of the total number of PPOs issued.
- ! Lines 40 and 42 are to be used only for those petitions which do **not** go through ex parte review but which are originally disposed at a **hearing** scheduled at the time the petition is filed with the court. Count the petition on line **40** if the order was issued, and on line **42** if the order was denied.
- ! If the petitioner **retracts** a petition, set originally for either ex parte or hearing review, but before an order is entered by the court, count the petition on line **43**.

A few additional points to keep in mind in processing minor PPO matters are:

- ! There are no filing or motion fees in minor PPO proceedings;
- ! If a minor PPO petition is denied ex parte and is considered at a subsequent hearing, the hearing-related documents:
 - do not constitute the reopening of the ex parte case, but is a continuation, and
 - are filed under the same case number as was assigned to the ex parte petition.
- ! If a PPO is issued against a minor, and the respondent violates the PPO after turning 18, then, even though the enforcement proceedings are not under the Juvenile Code, the caseload information is reported on SCAO Form 40c (specifically, on line **46** – “Petitions alleging violations”).

Further Information

If you have any further questions on SCAO Form 40c, please contact either George Strander or Amy Byrd at (517) 373-7496.

cc: Chief Probate Judges
Regional Administrators
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Amy Byrd, Forms Manager
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