

*This document is one of a number of Toolkit items designed to help courts in their planning to return to full capacity while continuing to mitigate risk to protect the public and staff. While every effort has been made by SCAO staff to compile as much helpful and accurate guidance as possible, we understand that during the months ahead courts will be responding to their individual situations with creativity and innovation. Moreover, we know that advice from outside authorities continues to change to reflect analysis of additional data. Anticipating occasional updates to these documents as new information becomes available, the SCAO welcomes ongoing input on these documents, and in particular, sharing insights and experiences that can be added so that other courts can benefit from each other's work. Comments can be sent to [CourtServices@courts.mi.gov](mailto:CourtServices@courts.mi.gov).*

## **Process for Triaging Case Actions During the COVID-19 Crisis**

During the state of emergency, courts have been working at less than full capacity. While no two courts are the same, none have conducted business as usual since mid-March, and there will likely be backlogs as a result. Some cases are backlogged because of hearings being adjourned and new matters not being set. Still more cases will come into the trial courts as legal and public health conditions continue to relax.

The following is a prioritized list of cases/hearings that includes associated authority to assist courts in identifying the cases in most need of processing, while leaving lower priority work to be done as the courts build back to full capacity. We are confident that courts are accepting new filings, opening incoming mail, processing new cases, entering them in the CMS, and responding to any phone or e-mail inquiries. It is also vitally important that courts continuously monitor and track all pending cases to ensure that no case is without a future action date. This includes:

- Reissuing appropriate scheduling orders for existing cases. Courts can conduct remote scheduling conferences to obtain agreement from the parties on new dates.
- Rescheduling jury trials and notifying jurors of postponements<sup>1</sup>.
- Providing stays of proceedings for case types that may require it. Very few cases should be stayed, with the exception of civil or domestic cases in which pre-trial matters cannot be completed. Most issues relating to discovery can be completed remotely.

SCAO suggests four categories to help courts identify case priorities and to triage the necessary actions to take for pending cases. The categories are Essential, High Priority, Medium Priority, and Low Priority.

### **Essential includes:**

- High Priority Case (see below) + an immediate liberty and/or safety concern is present, requiring the attention of the court as soon as the court is available.
- Examples of case and hearing types that may fall in the Essential category include:
  - Criminal court search warrants, arrest warrants, initial appearances, and bond reviews;
  - Personal protection orders under MCL 600.2950 and 600.2950a;
  - Juvenile court delinquency detention hearings and neglect and abuse emergency removal matters;
  - Mental health commitment hearings; and
  - Emergency guardianship matters, including guardianships necessary to permit critical medical care or placement or to protect an individual from very significant and irreparable economic or other harm from abuse, neglect, abandonment, or exploitation.

### **High Priority includes:**

- Statutory and/or court rule timeline is short, typically less than 30 days.
- Constitutional rights are primarily implicated (e.g., criminal, juvenile delinquency, neglect and abuse removals, commitments).
- Public safety concerns are paramount.

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<sup>1</sup> For additional information regarding delay of jury trials, see the [April 23, 2020 memo](#).

- Personal health or safety concerns are vital (e.g., housing, custody, domestic assault).
- Critical economic concerns coupled with any of the above concerns (e.g., guardianship/conservatorship, objection to garnishment, retaining safe and stable housing, child support).

**Medium Priority includes:**

- Statutory and/or court rule timelines are greater than 30 days.
- Constitutional rights are implicated, but are not a primary concern (e.g., non-custody criminal trials).
- Public safety, personal safety, and economic concerns are implicated, but urgency is low (e.g., long-term foster care review, post-decree family hearings that do not impact safety of a child or parent, or critical economic concerns, contested probate, evictions other than health/safety hazard or for landlords with fewer than 5 units).

**Low Priority includes:**

- No statutory and/or court rule timelines are immediately applicable.

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
All case types	Emergency motions that preserve health, safety, and constitutional rights as deemed appropriate by the court.	All case categories	Essential		
AX	In custody criminal defendants extradition matters and associated bail	Criminal	Essential		MCL 780.9 MCL 780.14
DC, DO, DP, DM, DS, DZ, UE, UF, UI, UM, UN	Ex parte relief necessary to secure the rights, safety, support and well-being of the litigant and/or children	Family Division - Domestic Relations	Essential	Hearing on objection must be held within 21 days of the filing of the objection.	MCR 3.207 NOTE: MCR 3.215(E) MCL 552.508
DC, DO, DP, DM, DS, DZ, UE, UF, UI, UM, UN	In custody defendant for FOC arraignment on BW	Family Division - Domestic Relations	Essential	Hearing must be held within 48 hours of the time of arrest if respondent does not post bail.	MCR 3.221(B)
DJ	In custody juveniles - arraignments *prosecutor designated cases	Family Division - Juvenile Code/Criminal	Essential	24 hours	MCR 3.951
DL	In custody juveniles, preliminary hearings and probation violations	Family Division - Juvenile Code	Essential	24 hours	MCR 3.935 MCR 3.944
FC, FH, FJ	In custody criminal defendants arraignments, pleas, sentencing (unless waived), and new trial	Criminal	Essential	In custody defendants: 180 days or must be released.	MCR 6.004, 6.113, 6.301(C), 6.429(B)(3), 6.431(A)(3)
FC, FH, FJ	In custody criminal defendants probation violation arraignments	Criminal	Essential	Hearing on the violation must be held 14 days from the arraignment on the probation violation.	MCR 6.445(B)
FC, FH, FJ	In custody criminal defendants' emergency motions regarding bond	Criminal	Essential	No time designated from the filing of the motion.	MCR 6.106(H) 6.301(C), 6.429(B)(3), 6.431(A)(3)

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
FC, FH, FJ, DL	Forensic evaluation of in custody juveniles or adults for competency	Criminal	Essential	A competency hearing must be held within 5 days of receipt of the report required by MCL 330.2028 or on conclusion of the proceedings then before the court, whichever is sooner, unless the court, on a showing of good cause, grants an adjournment.	MCL 330.2020 et seq. MCR 6.125
ID	Infectious Disease proceedings	Family Division Miscellaneous	Essential	14 days after the petition is filed.	MCL 333.5201 et seq.
NA	Child needing protective custody from imminent danger or emergency removal for noted abuse	Family Division - Juvenile Code	Essential	24 hours	MCR 3.965 MCR 3.974(C) MCL 712A.19a
NA	Child in Protective Custody - Preliminary Hearing; Removal Hearing; Emergency Removal Hearing Child not in Protective Custody (removal requested) - Preliminary Hearing; Emergency Removal Hearing	Family Division - Juvenile Code	Essential	24 hours (in protective custody)  Removal hearing within 14 days of an Indian child being taken into protective custody	MCR 3.965, 3.967 MCR 3.974(C)
NA	Permanency Planning Hearings	Family Division - Juvenile Code	Essential	12 months after removal, and every 12 months thereafter.	MCR 3.976 MCL 712A.19a
NB	All Safe Delivery of Newborn Child Proceedings	Family Division Miscellaneous	Essential		MCL 712.1 et seq.

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PH, PJ, PP, VP	Personal Protection Order initiation, ex parte denial hearings, extensions, violations of in-custody defendant against existing PPO for issue of bond	Family Division Miscellaneous	Essential	Court must decide ex parte petitions for a PPO within 24 hours. The court must schedule and hold a hearing on a motion to modify or terminate a personal protection order within 14 days of the filing of the motion, except that if the respondent is a person described in MCL 600.2950(2) or 600.2950a(5), the court shall schedule the hearing on the motion within 5 days after the filing of the motion.	MCL 600.2950 MCL 600.2950a MCR 3.707(B) MCL 764.15b
PW	All Parental Waiver of Consent to Abortion proceedings	Family Division Miscellaneous	Essential	A hearing on a petition for waiver of parental consent under this act shall be held within 72 hours, excluding Sundays and holidays, after the petition is filed and shall be closed to the public.	MCL 722.901 et seq.
AA, AE	Prioritize appeals of public benefits from MDHHS and UIA due to basic economic need	Appeals	High		
AB, AC, AD, AF, AG, AN, AO, AU, AY	Matters/motions to secure the safety and health of the adoptee	Family Division - Adoption	High		
AD, AY	Consent Hearing	Family Division - Adoption	High	Consent hearing within 7 days of being requested.	MCL 710.44

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
AH	Judicial review	Administrative review, superintending control, extraordinary writs	High	Habeas Corpus writs must be heard promptly by the court.	MCR 3.303(Q)
AM	Section 45 Hearing ( <i>MCI Denial of Consent</i> )	Family Division - Adoption	High	Motion re: denial of consent to be decided within 91 days after filing of motion.	MCL 710.45(6)
AP	Judicial review	Appeals	High	28 days before the order of parole is issued.	MCR 7.104(A)(1) MCR 7.105(A)(1) MCR 7.118(F)
AS	Court can issue an order to show cause, issue the order requested, or dismiss the complaint.	Administrative review, superintending control, extraordinary writs	High	Superintending control: Respondent has 21 days to file an answer.	MCR 3.302
CB, CC, CD, CE, CF, CH, CK, CL, CP, CR, CZ	Matters/motions involving an issuance of a temporary restraining order, not heard as an essential matter	Other Civil Matters	High		
DC, DO, DP, DM, DS, DZ, UE, UF, UI, UM, UN	Relief necessary, but not granted ex parte, to secure the rights, safety, support, and well-being of the litigant and/or children	Family Division - Domestic Relations	High	21 days	MCR 3.207 NOTE: MCR 3.215(E)
DC, DO, DP, DM, DS, DZ, UE, UF, UI, UM, UN	Bonded out defendant for FOC arraignment on BW	Family Division - Domestic Relations	High	21 days of date of arrest	MCR 3.221(B)
DJ	In custody juveniles - designation hearing, preliminary examinations	Family Division - Juvenile Code/ Criminal	High	14 days from arraignment/ designation.	MCR 3.952 MCR 3.953 MCL 712A.2d

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
DJ	Review Hearings-Delayed Sentence- <i>Mandatory reviews (before 19)- Final reviews before end of probation</i>	Family Division - Juvenile Code/ Criminal	High	<i>Annual Review hearings.</i>	MCR 3.956
DL	Waiver Hearings - Phase 1 and 2	Family Division - Juvenile Code	High	Phase 1 Hearing - 28 days from authorization. Phase 2 Hearing - 28 days from phase 1 hearing, 35 days from authorization if no Phase 1 hearing.	MCR 3.950 MCL 712A.4
DL, DJ	Disposition/ Sentencing	Family Division - Juvenile Code/ Criminal	High	<i>In-Custody - 35 days from adjudication. *critical that adjudicated juvenile is appropriately supervised and receiving available services given the severity of the case.</i>	MCR 3.943 MCR 3.955
FC, FH, FJ	Bonded out criminal defendants arraignments, pleas, sentencing (unless waived), and new trial	Criminal	High		MCR 6.113 MCR 6.301(C) MCR 6.429(B)(3) MCR 6.431(A)(3)
FC, FH, FJ	Bonded out criminal defendants probation violation arraignments	Criminal	High		MCR 6.445(B)
FC, FH, FJ	Bonded out criminal defendants emergency motions regarding bond violations	Criminal	High		
JG	If court determines at a permanency planning hearing to appoint a juvenile guardian	Family Division - Juvenile Code	High	Home study within 28 days	MCR 3.979((A)(1)(b)

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JG	Juvenile Guardianship - Hearings re: Revocation/ Termination of Juvenile Guardianship	Family Division - Juvenile Code	High	28 days from date of motion to revoke or terminate.* important to address as soon as possible since indication that juvenile's placement/caregiver no longer appropriate.	MCR 3.979
NA	Dispositional Hearing	Family Division - Juvenile Code	High	Out-of-Home Placement - 28 days from adjudication. <i>* critical that a dispositional order and case service plan is ordered and families can begin receiving the necessary services that are available.</i>	MCR 3.973 MCL 712A.18
ND, NF, NH, NI, NM, NO, NP, NS, NZ	Matters/motions involving an issuance of a temporary restraining order, not heard as an essential matter	Civil Damage	High		
PH, PJ, PP	Personal Protection Order modifications, terminations, violations of bonded defendant against existing PPO	Family Division Miscellaneous	High	The court must schedule and hold a hearing on a motion to modify or terminate a personal protection order within 14 days of the filing of the motion, except that if the respondent is a person described in MCL 600.2950(2) or 600.2950a(5), the court shall schedule the hearing on the motion within 5 days after the filing of the motion.	MCL 600.2950 MCL 600.2950a MCR 3.707(B) MCL 764.15b
VF	Young Adult Voluntary Foster Care determination	Family Division Miscellaneous	High	Order to be entered within 21 days of filing of petition.* <i>critical to ensure that youth receive necessary service/ support from DHHS.</i>	MCR 3.616



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VF	Proceedings regarding Voluntary Foster Care	Family Division - Miscellaneous	High	21 days	MCL 400.656 MCR 3.616
AB, AC, AD, AF, AG, AM, AN, AO, AY	General adoption proceedings; <i>* Prioritize finalization of adoption</i>	Family Division - Adoption	Medium		MCL 710.1 et seq.
AE	Judial review	Appeals	Medium	42 days after service to forward the record of appeal to the court	MCR 7.116(F)
AL	Judicial review	Admin Review, Superintending control, Extraordinary Writs	Medium	63-182 days	MCL 257.323(1)
AR	If defendant in custody	Appeals	Medium	21 days for appeal of right or by leave	MCR 7.104(A)(1) MCR 7.105(A)(1)
DC, DM	Proceedings involving custody not handled ex parte or emergency basis	Family Division - Domestic Relations	Medium	56 days	MCR 3.210(C)
DL, DJ	Disposition/ Sentencing	Family Division - Juvenile Code/ Criminal	Medium	<i>Not in Custody - no time. *critical that adjudicated juvenile is appropriately supervised and receiving available services given the severity of the designated case.</i>	MCR 3.943 MCR 3.955
JG	Juvenile Guardianship - Review Hearing, Extended Guardianship Assistance	Family Division - Juvenile Code	Medium	At least 1 time every 12 months if receiving extended guardianship assistance. This is to ensure youth meeting criteria for assistance.	MCR 3.979

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
NA	Adjudication Trial	Family Division - Juvenile Code	Medium	63 days after removal, or 6 months from filing of petition. * <i>critical to provide parent with timely opportunity to address allegations where their child has been removed from their care and custody.</i>	MCR 3.972
NA	Dispositional Hearing	Family Division - Juvenile Code	Medium	In-Home - no timeframe.* <i>critical that a dispositional order and case service plan is ordered and families can begin receiving the necessary services that are available.</i>	MCR 3.973 MCL 712A.18
NA	Dispositional Review Hearings	Family Division - Juvenile Code	Medium	In-Home/Out-of-Home - 182 days from authorization, 91 days after day for 1st year. Every 182 days in 2+ year.	MCR 3.974 MCR 3.975 MCL 712A.19
ND, NF, NH, NI, NM, NO, NP, NS, NZ	Proceedings in Civil Damage Cases	Civil Damage	Medium		
NA	Termination of Parental Rights Hearings	Family Division - Juvenile Code	Medium*	42 days from filing of supplemental petition, can be extended to 63 days. * <i>important conduct timely TPR hearings to ensure child is moving toward permanency. * The court can move this to High priority if they have the ability and desire to do so.</i>	MCR 3.977
AA, AV	Judicial review	Appeals	Low	No timeframe within which the court must act other than 56 days undecided reporting	

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
AB, AC, AD, AF, AG, AM, AN, AO, AY	Hearing on Petition for access to records* <i>court MAY have hearing but not necessary</i>	Family Division - Adoption	Low	To be granted/denied within 63 days, but no later than 182 days.	MCL 710.67
AB, AC, AD, AF, AG, AN, AO, AU, AY	Proceedings regarding Adoptions not deemed Essential, High or Medium	Family Division - Adoption	Low	12 month goal	MCL 722.954b
AR	If defendant is out on bond	Appeals	Low	No timeframe for court to act; can issue a bench opinion if no oral argument is requested	MCR 7.104(A)(1), MCR 7.105(A)(1)
AW	Mandamus, Quo Warrant, Writs	Admin Review, Superintending control, Extraordinary Writs	Low		
CB, CC, CD, CE, CF, CH, CK, CL, CP, CR, CZ	Scheduling and settlement conferences, mediation, case evaluation, and trials	Other Civil Matters	Low	No timeframe within which the court must act other than time guidelines established by the Supreme Court.	
DL	Review Hearings	Family Division - Juvenile Code	Low	<i>Out-of-Home Placement - 182 days from disposition</i> <i>In-Home - no time requirement.</i>	MCR 3.945
EM	Proceedings regarding Juvenile Emancipations	Family Division - Miscellaneous	Low	No timeframe within which the court must act other than 56 days undecided reporting	MCL 722.1 et seq.
JG	All other Juvenile Guardianship Proceedings	Family Division - Juvenile Code	Low	All JG matters not heard under Essential, High, or Medium	
NA	Post-Termination Review Hearings	Family Division - Juvenile Code	Low	91 days after termination, and every 91 days after that for 1 year.	MCR 3.978
NC	All proceedings under Name Change	Family Division - Miscellaneous	Low	No timeframe within which the court must act other than 56 days undecided reporting	

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PC, PD, PR, PS, PZ	All proceedings to restore establish or Correct Records	Restore, Establish or Correct Records	Low		
Probate Case Types	All probate proceedings heard as Ancillary Matters in Circuit court	Family Division - Ancillary	Low		
TL	Juvenile Traffic Proceedings	Family Division - Juvenile Code	Low		
UD	Petition to Assist Discovery	Family Division - Domestic Relations	Low		