

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.

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 postponements¹.
- 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.

¹ 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		
All case types	Arrest and bond determination on in custody warrants (includes civil and show cause)	All case categories	Essential		
EX	In custody defendant of criminal extradition matters and issues of bail	Criminal	Essential		MCL 780.9 MCL 780.14
FY, OM, SM, FD, FT, OD, SD, OT, ST	In custody criminal defendant arraignments, pleas, sentencings, probable cause conferences, preliminary hearings, and issues of bail	Criminal	Essential	For felonies, probable cause conference not less than 7 days or more than 14 days after the date of the arraignment and set a date for preliminary examination not less than 5 days or more than 7 days after the date of the probable cause conference.	MCR 6.104 MCR 6.106 MCR 6.108 MCR 6.110 MCL 780.14
No case type yet or possibly in an already existing criminal case type	Review and Determination of Search Warrants	Criminal	Essential		MCL 780.651

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
FY, OM, SM, FD, FT, OD, SD, OT, ST	Forensic evaluation of in-custody 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
No case type yet	Review and Issuance of Arrest Warrants	Criminal	Essential		MCL 764.1a
EX	Bonded out defendant of criminal extradition matters and issues of bail	Criminal	High		MCL 780.9, MCL 780.14
FD, FY, FT	Probable Cause Conference	Criminal	High	Not less than 7 days or more than 14 days after the date of arraignment.	MCL 766.4
FD, FY, FT	Preliminary Examination	Criminal	High	Not less than 5 days or more than 7 days after the date of the probable cause conference.	MCL 766.4
FY, OM, SM, FD, FT, OD, SD, ST, OT	Bonded out criminal defendant arraignments, pleas, sentencings, preliminary hearings, and issues of bail	Criminal	High		MCR 6.104 MCR 6.106 MCR 6.108 MCR 6.110 MCL 780.14

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
LT, SP	Trial	Civil	High	The summons shall command the defendant to appear for trial within 30 days of issuance for land contract proceedings and within 10 days in all other proceedings. Summary proceedings shall be heard within 7 days after the defendant's appearance or trial date and not be adjourned further other than by stipulation of the parties in writing or on the record. This trial can be adjourned over a party's objections for good cause. An escrow must be considered if adjournment exceeds 7 days.	MCL 600.5735
GZ (specifically abandoned vehicle cases MCL 257.252a, 252b or 252d)	Court must schedule a hearing on the petition to determine whether the police agency, towing agency or custodian, or private property owner acted properly.	Civil	Medium	Hearing shall be scheduled within 30 days.	MCL 257.252f
LT, SP	Landlord tenant and summary proceedings trials	Civil	Medium	When adjourned, can be done for up to 56 days.	MCR 4.201(J)
SC	All proceedings for small claims	Small Claims	Medium	Shall sit at least once each 30 days.	MCL 600.8416
GC, GZ	All proceedings under these case types, other than abandoned vehicles	Civil	Low		

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
OI, SI, OK, SK, ON, SN	Informal and Formal Hearings	Civil Infractions and Parking	Low		Time guidelines only dictation of time. MCL 257.741 states "within a reasonable amount of time."