

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		
CA, CY	Emergency Conservatorships	Guardianship/ Conservatorship	Essential		MCL 700.5407
DA, DE, DH, PE	Estates where immediate access to residence is necessary	Estates, Trusts and Wills	Essential		MCL 700.5407
DD, GA, GL, GM, LG	Emergency Petitions for guardianship	Guardianship/ Conservatorship	Essential	28 days	MCL 700.5312
DD, GA, GL, GM, LG, PO	Ex parte requests for Temporary Restraining Orders	Guardianship/ Conservatorship	Essential		
MI, JA	Pickup and Transportation Orders	Mental Health	Essential	10 days	MCL 330.1436 MCL 330.1426
MI, JA	Petitions for initial or continuing involuntary hospitalization	Mental Health	Essential		MCL 330.1472a
ML	Petitions for immediate funeral/burial; Proceedings for durable power of attorney, Health Care or Mental Health Treatment	Civil and Miscellaneous	Essential	7 days	MCL 700.3206 MCL 700.3614 MCR 5.784
PO	Emergency petitions filed by Adult Protective Services	Guardianship/ Conservatorship	Essential		MCL 400.11b(6)
CA, CY, PO	Emergency Conservatorships, motions to terminate conservatorships (personal liberty at stake)	Guardianship/ Conservatorship	High		MCL 700.5406
DA, DE, PE	Estates where immediate access to residence is necessary	Estates, Trusts and Wills	High		MCL 700.5407 MCL 700.3614

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
DD, GA, GL, GM, LG	Emergency (temporary) Petitions for guardianship, motions to terminate conservatorships (personal liberty at stake)	Guardianship/ Conservatorship	High	Hearing held within 28 days	MCL 700.5312 MCL 330.1607 MCL 700.5301(a) MCL 700.5202(a) MCL 700.5433 MCR 5.403
DD, GA, GL, GM, LG, PO	Ex parte requests for Temporary Restraining Orders	Guardianship/ Conservatorship	High		MCL700.1309 MCL 700.3607
MI, JA	Pickup and Transportation Orders	Mental Health	High	Within 10 days	MCL 330.1436 MCL 330.1426
MI, JA	Petitions for initial or continuing involuntary hospitalization	Mental Health	High	Within 7 days	MCL 330.1431(1)
ML	Petitions for immediate funeral/burial	Civil and Miscellaneous	High		MCL 700.3614(C)
CA	Non-emergency conservatorship	Conservatorship- Adult	Medium		MCL 700.5404
CY	Non-emergency conservatorship for minors	Conservatorship- Minor	Medium		MCL 700.5401
DA, DE, DH, PE, TR, TT, TV	Formal, Informal, Unsupervised, Supervised, Determination of Heirs, Small Estate proceeding, Trust Registration, Testamentary Trust, Intervivos Trust	Estates, Trusts, Wills	Medium		MCL 700.3401 MCL 700.3301 MCL 700.3402 MCL 700.3502 MCL 700.3501 MCL 700.3982 MCL 700.3915 MCL 700.2511 MCR 5.302 MCR 5.308 MCR 5.309 MCR 5.310
GA, GL	Non-emergency guardianship and limited guardianship	Guardianship - Adult	Medium		MCL 700.5303 MCR 5.405

Case Type	Hearing Type	Case Category	Priority	Time (Provided for in Court Rule/Statute)	Authority
GM, LG	Non-emergency minor guardianship and limited guardianship of minor	Guardianship - Minor	Medium		MCL 700.5202 MCR 5.404
PO	Petition for Protective orders	Protective Orders	Medium		MCL 700.5404
BR	Petition for delayed registration of birth	Registration of Foreign Birth	Low		
ML	Non-emergency miscellaneous matters	Miscellaneous matters	Low	Any miscellaneous proceedings not heard under essential, high or medium	MCR 5.784