

MICHIGAN TRIAL COURTS

CIRCUIT COURT

The history of the circuit court dates back to 1824 when 3 judges of the supreme court held annual terms in the counties of Wayne, Monroe, Oakland, Macomb, and St. Clair and were authorized to hold special sessions in Crawford, Brown, and Michilimackinac counties. In 1835, circuit courts were established by name, but were presided over by the judges of the supreme court.

The county courts in all of the counties of the territory east of Lake Michigan, except Wayne, were abolished in 1833 and replaced by "The circuit court of the territory of Michigan." The state was divided into 3 circuits in 1836 and the judges of the supreme court performed the duties of circuit judges. The Revised Statutes of 1846 abolished the court of chancery, and the chancery powers were conferred upon the several circuit courts. The Constitution of 1850 made the office of circuit judge elective and the term of office 6 years.

The Constitution of 1908 provided for judicial circuits. At present the state is divided into 57 judicial circuits along county lines. The number of judges within a circuit is established by the legislature to accommodate required judicial activity. In multicounty circuits, judges travel from one county to another to hold court sessions. Circuit judges are elected for terms of 6 years in nonpartisan elections. A candidate must be a qualified elector, a resident of the judicial circuit, a lawyer, and under 70 years of age. The legislature sets salaries for circuit judges, which may be supplemented by counties.

On April 1, 2003, several changes in circuit court boundaries took effect. Mackinac County moved from the 50th Circuit to the 11th Circuit; Presque Isle County moved from the 26th Circuit to the 53rd Circuit; Alcona County moved from the 26th Circuit to the 23rd Circuit; and Arenac County moved from the 34th Circuit to the 23rd Circuit.

Jurisdiction

The circuit court is the trial court of general jurisdiction in Michigan, having jurisdiction over all actions except those given by state law to another court. Generally speaking, the circuit court has original jurisdiction in all civil cases involving more than \$25,000, in all criminal cases where the offense involves a felony or certain serious misdemeanors, and in all family-related cases in the family division, including divorce and ancillary matters, custody, parenting time, paternity, juvenile offenses, abuse/neglect, emancipation of minors, personal protection orders, name changes, adoptions and parental consent waivers.

The circuit court also hears cases appealed from lower courts and from some administrative agencies of state government. In addition, the circuit court has superintending control over other courts within the judicial circuit, subject to final superintending control of the supreme court.

Caseload

In 2004, 336,523 cases were filed in the circuit court. Of this total, 223,499 or 66.4 percent were family division filings and 113,024 or 33.4 percent were non-family filings.

Civil filings, which include auto negligence and other non-auto damages, decreased by 7.1 percent between 2003 and 2004. In 2004, almost 40 percent of civil cases were dismissed by the party that filed the case. Another 36.5 percent were uncontested, defaulted, or settled out of court.

In 2004, 54.1 percent of the filings in the non-family division of circuit court were criminal felony filings. Total felony filings increased to 61,171 and exceeded filings in every other year between 1999 and 2004. The majority of these cases are non-capital felony filings with adult defendants. Felony filings with juvenile defendants remained at less than 100 per year.

In 2004, 223,499 cases were filed in the family division of circuit court, representing 66.4 percent of all circuit court filings. Of the filings in the family division, twenty percent were divorce cases (with and without children). 44,805 divorce cases were filed, fewer than any other year between 1999 and 2004. Another sixteen percent of family division cases were paternity or support cases. Filings in both paternity and support cases were lower in 2003 than any year between 1999 and 2004.

Filings for protection orders against adults, for both domestic and non-domestic situations, decreased to their lowest of any year between 1999 and 2004. Of all personal protection filings, 32.7 percent were to seek protection against adults in non-domestic situations. 64.4 percent were

seeking protection against adults in domestic situations. The remaining 2.9 percent were seeking protection against minors.

New filings in delinquency proceedings decreased to 56,506 in 2004, the lowest of any year between 1999 and 2004. At the close of 2004, the circuit court had jurisdiction over 16,843 juveniles as a result of delinquency proceedings. Of those juveniles, 13,246 were supervised by the court, 2,283 were supervised by the Department of Community Justice of Wayne County, and 1,314 were supervised by the Family Independence Agency. An additional 8,290 juveniles were awaiting adjudication.

At the close of 2004, the circuit court had jurisdiction over 18,346 children as a result of child protective proceedings. Of that number, 11,562 were temporary wards of the court, 6,140 were permanent wards of the court or the Michigan Children's Institute, and 644 were temporary wards who had been ordered to the Michigan Children's Institute for observation. An additional 2,925 children were awaiting adjudication and were not already under the jurisdiction of the court.

COURT OF CLAIMS

The court of claims is a special court that hears cases involving claims against the state or any of its departments, commissions, or institutions. Established by the legislature as a function of the 30th Judicial Circuit Court (Ingham County) in 1979, the jurisdiction of the court, except as otherwise provided by law, extends to claims and demands against the state or any of its departments, commissions, boards, institutions, arms, or agencies, except those arising from line-of-duty injuries to state employees. Claimants may bring suit in the court of claims provided the claim is for \$1,000 or more.