

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 2002, 355,592 cases were filed in the circuit court. Sixty-seven percent of all circuit filings were family division cases while 33% were non-family circuit court cases.

In 2002, there were more than 143,000 domestic relations filings, representing an increase of 1% since 1999. The change was due to increases in personal protection orders (PPOs). Courts reported 16,287 new filings for PPOs against stalking and 34,206 PPOs in domestic relationship situations. During the same period delinquency cases decreased by 3%. Overall juvenile petitions decreased by 10% during the four-year period.

The number of new appeals filed has declined over the last several years. The overall decline between 2000 and 2002 was 14%.

In 1999, the legislature increased the jurisdictional limits in property crime cases which resulted in a shift of some felony cases adjudicated in circuit court to remain misdemeanor cases adjudicated in district court. This resulted in a decrease of criminal case filings in circuit 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.