

Your Guide to the

MICHIGAN COURTS

A Quick Reference Guide to the Court System

Probate Court
Below.

Circuit Court
Page 2.

District Court
Page 3.

Municipal Court
Page 4.

The Probate Court handles:

PROBATE

Deceased Estates
Wills and Trusts
Mental Health
Guardianship
Conservatorship

MISCELLANEOUS

Marriages

The Circuit Court handles:

CIVIL/CRIMINAL DIVISION

Criminal—Felony; **Civil**—General Civil (Over \$25,000); **Miscellaneous**—Driver's License Restoration, Appeals from Trial Courts or Administrative Agencies

FAMILY DIVISION

Domestic Relations—Divorce, Custody, Parenting Time, Paternity, Support; **Juvenile**—Adoption, Delinquency, Waiver of Parental Consent for Abortion, Child Protection Proceedings, Emancipation; **Miscellaneous**—Personal Protection Orders (PPOs), Name Changes

COURT OF CLAIMS

Civil Claims against State

The District Court handles:

CRIMINAL

Misdemeanor,
Felony (preliminary stages)

CIVIL

General Civil (up to \$25,000),
Small Claims, Landlord Tenant

CIVIL INFRACTIONS

Traffic and Parking, Municipal Civil
Infractions, State Civil Infractions

MISCELLANEOUS

Marriages

The Municipal Court handles:

CRIMINAL

Misdemeanor (up to 1 year in jail),
Felony (preliminary stages)

CIVIL

General Civil (up to \$1,500),
Conciliation (up to \$100),
Landlord Tenant

CIVIL INFRACTIONS

Traffic and Parking, Municipal Civil
Infractions, State Civil Infractions

MISCELLANEOUS

Marriages

What does the Probate Court do?



PROBATE

| | What is it? | Where do you go? |
|------------------|---|--|
| Deceased Estates | A case involving the administration by the courts of the assets of a deceased or disappeared person. | The Probate Court where the deceased resided or if the deceased was not a resident of Michigan, in the county where the deceased left property. |
| Wills and Trusts | Issues concerning the validity or interpretation of a will or trust. | The Probate Court where the deceased resided or if the deceased was not a resident of Michigan, in the county where the deceased left property. |
| Mental Health | Cases involving mental illness or development disabilities. | The Probate Court where the mentally ill person resides. |
| Guardianship | The determination of who has the legal duty and power to care for a person under age 18 years or a person 18 years or older, who, because of some legal disability such as incompetence, is considered unable to care for him/her self. | The Probate Court where the person resides or is found. However, if the person is under age 18, and the matter arises out of a protective proceeding, a delinquency proceeding or a domestic relations custody case, then the Family Division of the Circuit Court. |
| Conservatorship | The determination of who has the legal duty and power to manage and protect the estate of a person 18 years or older, who, because of some legal disability such as incompetence, is unable to manage the estate themselves. | The Probate Court where the person resides or, if the person is a non resident, where the property is located. However, if the person is under age 18, and the matter arises out of a protective proceeding, a delinquency proceeding or a domestic relations custody case, then the Family Division of the Circuit Court. |

MISCELLANEOUS

| | What is it? | Where do you go? |
|----------|--|---|
| Marriage | The creation of a legal relationship between a husband and wife. | Any District or Probate Court within the state. |

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What does the Circuit Court do?



CRIMINAL/CIVIL DIVISION

CRIMINAL

| | | |
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| <p>Felony</p> | <p>What is it? The most serious category of criminal offenses and is punishable by more than 1 year in prison.</p> | <p>Where do you go? For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, trial, plea and sentencing. Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge.</p> |
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CIVIL

| | | |
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| <p>General Civil (over \$25,00)</p> | <p>What is it? Cases involving lawsuits between two or more parties seeking money damages, injunctions, or equitable relief.</p> | <p>Where do you go? In general, the location of the proceeding depends on the amount in dispute. Claims of \$25,000 or less are handled in District Court. Claims greater than \$25,000 are handled in Circuit Court. Municipal Courts can only handle claims up to \$1,500. However, Circuit Court can handle cases involving equitable relief. Typically, a case may be filed either where the defendant resides, has a place of business, conducts business or has a registered office. Sometimes the case may also be filed where the action arose.</p> |
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MISCELLANEOUS

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| <p>Driver's License Restoration</p> | <p>What is it? A hearing at the end of a period of license revocation or suspension to reinstate driving privileges.</p> | <p>Where do you go? The Circuit Court in the county where the person resides.</p> |
| <p>Appeals to Circuit Court</p> | <p>The review of orders or judgments of other trial courts or administrative agencies by the Circuit Court.</p> | <p>The Circuit Court in the county where the trial court or administrative agency order or judgment is issued.</p> |

FAMILY DIVISION

DOMESTIC RELATIONS

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| <p>Divorce</p> | <p>What is it? The termination of a marriage.</p> | <p>Where do you go? The Family Division of the Circuit Court where either party resides.</p> |
| <p>Paternity</p> | <p>The determination of legal fatherhood.</p> | <p>The Family Division of the Circuit Court where either party resides.</p> |
| <p>Support</p> | <p>The determination of the amount of money for care of a child or spouse.</p> | <p>The court where the divorce judgment was granted. If there was no divorce, then the Family Division of the Circuit Court where the plaintiff resides.</p> |
| <p>Parenting Time</p> | <p>The determination of time spent with the non-custodial parent.</p> | <p>The Family Division of the Circuit Court where the divorce or custody judgment was entered.</p> |
| <p>Custody</p> | <p>The determination of which parent shall be responsible for primary care.</p> | <p>The Family Division of the Circuit Court where the divorce judgment was granted. If there was no divorce, then the Family Division of the Circuit Court where the plaintiff resides.</p> |

JUVENILE

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| <p>Adoption</p> | <p>What is it? Legally taking parental responsibilities for a child.</p> | <p>Where do you go? The Family Division of the Circuit Court where the minor or the petitioner resides.</p> |
| <p>Child Protection Proceedings</p> | <p>Abuse of a child under age 18 or situations in which a child under age 18 is not receiving proper care.</p> | <p>The Family Division of the Circuit Court where the minor resides or the offense against the child occurred.</p> |
| <p>Delinquency</p> | <p>An offense committed by a child under 17 years of age which would be a criminal offense if committed by an adult, including misdemeanor traffic offenses. Delinquency cases may also include state offenses such as Home Incurrigibility, Home Truancy, School Incurrigibility and School Truancy.</p> | <p>The Family Division of the Circuit Court where the minor resides or the offense was committed.</p> |
| <p>Emancipation</p> | <p>The legal way a minor between the ages of 16 to 18 can be freed from his/her parent's control.</p> | <p>The Family Division of the Circuit Court where the minor resides.</p> |
| <p>Waiver of Parental Consent of Abortion</p> | <p>Cases involving minors seeking an abortion without parental consent.</p> | <p>The Family Division of the Circuit Court where the minor resides or is found.</p> |

Circuit Court continued on next page

MISCELLANEOUS

| | What is it? | Where do you go? |
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| Personal Protection Orders (PPOs) | Actions seeking protection from individuals for criminal stalking or domestic abuse. | The Family Division of the Circuit Court in any county of Michigan. |
| Name Changes | Actions involving change of name. | The Family Division of the Circuit Court where the petitioner has resided for a minimum 1-year period. |

COURT OF CLAIMS

| | What is it? | Where do you go? |
|---------------------------------------|--------------------------------------|---|
| Civil Claims Against the State | Cases against the State of Michigan. | The Court of Claims which is located in the Ingham County Court in Lansing. |

What does the District Court do?



CRIMINAL

| | What is it? | Where do you go? |
|---------------------------------------|--|--|
| Misdemeanor | Crimes of a less serious nature that usually carry a maximum jail term of 1 year including traffic misdemeanors. | Misdemeanors are handled by the District or Municipal Court where the offense occurred. If the case involves a juvenile under 17 years of age, the case would be handled as a delinquency case in the Family Division of the Circuit Court (See Delinquency). |
| Felony (preliminary stages) | The most serious category of criminal offenses punishable by more than 1 year in prison. | For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, trial, plea and sentencing. Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge. |

CIVIL

| | What is it? | Where do you go? |
|--|--|---|
| General Civil (up to \$25,000) | Cases involving lawsuits between two or more parties seeking money damages, injunctions, or equitable relief. | In general, it depends on the amount in dispute. Claims of \$25,000 or less are handled in District Court. Claims greater than \$25,000 or less are handled in District Court. Claims greater than \$25,000 are handled in Circuit Court. Municipal Courts can only handle claims up to \$1,500. However, Circuit Court can handle cases involving equitable relief. Typically, a case may be filed either where the defendant resides, has a place of business, conducts business or has a registered office. Sometimes the case may also be filed where the action arose. |
| Small Claims | Cases where the amount claimed does not exceed a specified amount. As of 1/98, small claims cases could not exceed \$1,750. There are no lawyers or juries and no right to appeal. | Only District Court handles small claims cases. A case may be filed either where the defendant resides, is employed or where the action arose. |
| Landlord Tenant | Proceedings to recover possession of premises and/or obtain a money judgment. | The District or Municipal Court where the premises are located. If there is a claim for a money judgment on a landlord tenant case, a Municipal Court has jurisdiction up to \$1,500 and District Court has jurisdiction up to \$25,000. If a claim for money judgment exceeds the Court's jurisdiction, the District or Municipal Court determines the possession issue and the Circuit Court determines the money portion. |

CIVIL INFRACTIONS

| | What is it? | Where do you go? |
|--|---|---|
| Traffic and Parking Civil Infractions | Traffic offenses not serious enough to be classified as crimes, but serious enough to deserve sanctions other than jail. They include minor traffic violations such as speeding and parking violations. | The District or Municipal Court where the violations occurred. Note: Some areas may have a Parking Violations Bureau. |
| Municipal Civil Infractions | Non-traffic civil infractions such as building code, nuisance, trailways, dog, park and curfew offenses that are violations of a local ordinance. | The District or Municipal Court where the violations occurred. |
| State Civil Infractions | Non-traffic civil infractions that are violations of a state law. | The District or Municipal Court where the violations occurred. |

MISCELLANEOUS

| | What is it? | Where do you go? |
|------------------|--|---|
| Marriages | The creation of a legal relationship between a husband and wife. | Any District or Probate Court within the state. |

What does the Municipal Court do?



CRIMINAL

| | | |
|---------------------------------------|--|---|
| Misdemeanor | What is it? Crimes of a less serious nature that usually carry a maximum jail term of 1 year including traffic misdemeanors. | Where do you go? Misdemeanors are handled by the District or Municipal Court where the offense occurred. Note: Some misdemeanors are punishable by more than 1 year in jail but are processed in the same manner as felonies. Note: If the case involves a juvenile under 17 years of age, the case would be handled as a delinquency case in the Family Division of the Circuit Court (See Delinquency). |
| Felony (preliminary stages) | The most serious category of criminal offenses punishable by more than 1 year in prison. | Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge. For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District or Municipal Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, plea and sentencing. |

CIVIL

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| Conciliation | Cases where the amount claimed does not exceed \$100. Cases are settled in an informal manner, with a judge or clerk acting as a conciliator, who may suspend rules of evidence and dispense with swearing witnesses. | Any person may state his or her claim to a clerk of the municipal court. Venue may be proper in more than one municipal court location. A case may be filed either where the defendant resides, is employed or where the action arose. |
| Landlord Tenant | Proceedings to recover possession of premises and/or obtain a money judgment. | The District or Municipal Court where the premises are located. If there is a claim for money judgment on a landlord tenant case, a Municipal Court has jurisdiction up to \$1,500 and District Court has jurisdiction up to \$25,000. If a claim for money judgment exceeds the Court's jurisdiction, the District or Municipal Court determines the possession issue and the Circuit Court determines the money portion. |

CIVIL INFRACTIONS

| | | |
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| Traffic and Parking Civil Infractions | What is it? Traffic offenses not serious enough to deserve to be classified as crimes, but serious enough to deserve sanctions other than jail. They include minor traffic violations such as speeding and parking violations. | Where do you go? The District or Municipal Court where the violations occurred. Note: Some areas may have a Parking Violations Bureau. |
| Municipal Civil Infractions | Non-traffic civil infractions such as building code, nuisance, trailways, dog, park and curfew offenses that are violations of a local ordinance. | The District or Municipal Court where the violations occurred. |
| State Civil Infractions | Non-traffic civil infractions that are violations of a state law. | The District or Municipal Court where the violations occurred. |



MISCELLANEOUS

| | | |
|-----------------|--|--|
| Marriage | What is it? The creation of a legal relationship between a husband and wife. | Where do you go? Any District or Probate Court within the state. |
|-----------------|--|--|