

<b>PROBATE COURT CASELOAD</b>				Year
Complete Parts 1, 2, and 4 annually and transmit no later than 30 days following the end of the reporting period.				
Preparer's name	Preparer's telephone no.	Court no. and designation	County or Location	

**PART 1: NEW FILINGS, REOPENED CASES, AND OTHER MATTERS**

**SECTION A: ESTATES, TRUSTS**

Line	CASE TYPE	DA	DE	DH	PE	TR	TT	TV
1	Beginning Pending Petitions							
2	New Filings							
3	Reopened Cases							
4	Number of Open Estates, Testamentary Trust, and Inter Vivos Trust Cases, January 1							

**SECTION B: WILLS**

**SECTION C: CIVIL AND OTHER MATTERS**

Line	CASE TYPE	BR	CZ	ML
1	Beginning Pending			
2	New Filings			
3	Reopened			

**SECTION D: GUARDIANSHIPS, CONSERVATORSHIPS, ADMISSIONS, MENTAL COMMITMENTS**

Line	CASE TYPE	CA	CY	DD	GA	GL	GM	JA	LG	MI	PO
1	Beginning Pending Petitions										
2	New Filings										
3	Reopened Cases										
4	Guardianships/Conservatorships in System January 1										

**OTHER FILINGS**

Line	CASE TYPE	MI
5	Petition for Second Order	
6	Petition for Cont. Order	
7	Supplemental Petitions	
8	Petition for AOT	

### General Reporting Instructions:

- If caseload information for a specific reporting period is not entered into the system prior to submitting the report, adjustments in caseload can be made by re-generating the report and transmitting the amended data according to procedures prescribed by SCAO.
- Assignments are not to be counted in these reports. Separate assignment reports are prepared and will be used to gather additional statistical information about judicial activity. **If courts enter assigned cases to their case management systems, the cases should not be reported.**
- When a case type code is changed after a case has been reported, the case must be counted disposed as "Case Type Change" under the case type code under which the case was originally reported (as a new filing) and reported as a new filing under the new case type. Separate instructions for this new filing are not provided again in the following pages.
- When the probate court is processing circuit court family division cases, the statistics must be provided in the reporting format required for the circuit court family division.

### Section A: Estates, Trusts - New Filings, and Reopened Cases

**Line 1:** Provide the number of beginning pending **petitions/applications** (includes both new and reopened) as of January 1 for each of the case type codes.

**Line 2:** Under the appropriate case type codes, provide the total number of filings. Count **petitions/applications** opened on the filing date.

- An estate case is counted as a new filing when a petition/application is received for filing for a particular individual (subject of the petition/application) that does not have a prior case in that case type, when a case is received by your court after transfer from another court because of change of venue or jurisdiction where the original petition has not yet been disposed, or when a case is given another case type code (recoded) that has already been reported in Line 2 (see instructions for dispositions also). If a new estate filing includes a request for supervised administration, it must be assigned the case type code "DA". Do not count demands for notice (form PC 555). Do not count filing of letters of foreign personal representative here; see Section C.

*Forms which may be used to file an estate case, to file a separate determination of heirs, or to register a trust include:*

*PC 553 (Petition to Determine Heirs, Separate Proceedings)*

*PC 556 (Petition and Order for Assignment)*

*PC 558 (Application for Informal Probate and/or Appointment of Personal Representative)*

*PC 559 (Petition for Probate and/or Appointment of Personal Representative)*

*PC 610 (Registration of Trust)*

*MC 316 or PC 608 (Order for Change of Venue)*

- A testamentary trust case and trust inter vivos case is counted as a new filing when a petition regarding that trust is received for filing and there are no other pending petitions on that particular trust.
- A request to enter trust is counted as a TR when registration of trust is received for filing.

*Court rules and statutes associated with opening an estate or a trust case are MCR 5.101(B), 5.127, 5.128, 5.308(B), 5.309, 5.310, and 5.501 and MCL 700.1303, 700.1302, 700.3106, 700.3301, 700.3402, 700.3502, 700.3614, 700.7102, and 700.7206.*

**Line 3:** Under the appropriate case type codes, provide the total number of **reopened cases**. Count cases reopened only if they have been previously counted as disposed.

- An estate case is counted as a reopened case:
  - when a petition to reopen is filed after the appointment of the personal representative terminates (personal representative discharged and estate closed).
  - when a subsequent petition is filed for the appointment of fiduciary when a previous petition filed in that case did not request the appointment of a fiduciary.
  - when an amended petition is filed for assignment in a small estate.
  - when some activity occurs that reactivates a case that has been administratively closed for statistical purposes.

*Court rules associated with reopening of cases are MCR 2.102(G), 2.502(C), 5.312, 7.101(M), 7.215(D), 7.216(A), and 7.317. For RPC cases, see also MCR 5.709(J).*

**Line 4:** Under the appropriate case type codes, provide the total number of estate **cases** that are open as of January 1, the total number of testamentary trust **cases** that are open as of January 1, and the total number of inter vivos trust **cases** that are open as of January 1. Do not include cases closed administratively. An open testamentary trust or inter vivos case includes a pending petition as defined in Line 2 above and any trust under court supervision.

**Section B: Wills - Filings**

A will is counted as a filing when it is received. Count each will filed for safekeeping and each will delivered after the death of the testator but before any estate case is opened.

**Section C: Civil and Other Matters - New Filings and Reopened Cases**

**Line 1:** Provide the number of beginning pending **cases** as of January 1 for each of the case type codes.

**Line 2:** Under the appropriate case type codes, provide the total number of filings. Count cases opened on the filing date.

- A civil case is counted as a new filing when a complaint is received for filing or when a case is transferred from circuit or district court for any reason.
  - Do not include cross-claims, 3rd party complaints, or counter claims.

*Forms which may be used to open a civil case include:*

*MC 01 (Summons and Complaint)*

*MC 35 (Complaint, Claim and Delivery)*

*Court rules associated with opening a civil case are MCR 2.101, 2.102, 2.222, 2.223, 2.226, 2.227, and 3.105(C).*

- Other matters (BR and ML case-type codes) are counted as a new filing when a petition is received for filing and there are no other pending petitions on that case for that particular individual. Existing programs which break out various codes now under the "ML" case-type code can be maintained and the petitions simply reported under "ML". Count letters of foreign personal representative as an "ML" upon filing.

*Forms which may be used to open a delayed registration of foreign birth or a miscellaneous case include:*

*PC 551 (Petition and Order to Open Safe Deposit Box to Locate Will or Burial Deed)*

*PC 549 (Petition to Establish Death of Accident or Disaster Victim)*

*PC 611 (Petition for Substance Abuse Treatment and Rehabilitation Services)*

*PCA 350 (Motion and Order for Delayed Registration of Foreign Birth)*

*Some of the court rules and statutes associated with opening a miscellaneous case are MCR 5.101 and MCL 333.2830, 333.6124 and 700.1207, 700.1208, and 700.2517.*

**Line 3:** Under the appropriate case type codes, provide the total number of reopened cases. Count cases reopened only if they have been previously counted as disposed.

- A civil case is counted as a reopened case when:
  - a judgment is set aside, a settlement agreement is set aside, when a judgment notwithstanding the verdict is entered except when entered upon return of the jury verdict, or an order staying a case is set aside.
  - a default entry for no answer is set aside even if there is no judgment entered or whether the case has been dismissed for no progress or not.
  - reinstated after dismissal.
  - remanded or returned from another court.

*Court rules associated with reopening a civil case are MCR 2.102(F), 2.503(C), 2.603(D), 7.215(D), and 7.317.*

## Section D: Guardianships, Conservatorships, Admissions, Mental Commitments - New Filings and Reopened Cases

This section applies to both adults and minors

**Line 1:** Provide the number of beginning pending **petitions** as of January 1 for each of the case type codes.

**Line 2:** Under the appropriate case type codes, provide the total number of filings. Count petitions opened on the filing date.

- A guardianship or conservatorship is counted as a new filing when a petition is received for filing on an individual that does not currently have a case in that case type, or when a case is received by your court after transfer from another court because of change of venue or jurisdiction where the original petition has not yet been disposed. Do not count requests for notice (form PC 624).
  - Count as a new filing when all fiduciaries are released from acceptance of appointment and/or a bond is cancelled on a particular case type and a new petition is received for filing for a particular individual with the same case type, including petitions for partial guardian of individual with developmental disability (for which the order expires every 5 years).
  - Count a petition for a protective order under "PO" when not filed in conjunction with a petition for conservatorship.
  - Count a petition for appointment of conservator **and** protective order as a conservatorship case.
  - When more than one petition is received for filing on a particular individual for more than one case type (i.e., conservatorship and guardianship), count each case type as a separate case, **except** when a petition for conservatorship and protective order are filed in the same petition together.

*Forms which may be used to file a guardianship or conservatorship case include:*

*PC 625 (Petition for Appointment of Guardian of Incapacitated Individual)*

*PC 639 (Petition for Appointment of Conservator and/or Protective Order)*

*PC 650 (Petition for Appointment of Limited Guardian of Minor)*

*PC 651 (Petition for Appointment of Guardian of Minor)*

*PC 658 (Petition for Appointment of Guardian, Individual with Developmental Disability)*

*MC 316 or PC 608 (Order for Change of Venue)*

- A mental commitment is counted as a new filing when form PCM 201 (Petition/Application for Hospitalization), form PCM 202 (Objection to Hospitalization of Minor), form PCM 237 (Petition for Continued Hospitalization of a Minor), or form PCM 242 (Petition for Assisted Outpatient Treatment) is filed.
- A judicial admission is counted as a new filing when form PCM 224 (Petition for Judicial Admission) or PCM 203 (Objection to Administrative Admission of Developmentally Disabled Person) is filed.

*Court rules and statutes associated with opening a guardianship, conservatorship, judicial admission, or mental commitment case are MCR 5.101(B), 5.105, 5.127, 5.401, 5.402, and 5.745 and MCL 330.1433, 330.1434, 330.1498m, 330.1511, 330.1516, 330.1609, 330.1623, and 700.5204, 700.5205, 700.5401, and 700.5404.*

**Line 3:** Under the MI case type code, provide the total number of reopened cases. Count cases reopened only if they have been previously counted as disposed.

- A MI case is counted as a reopened case when a demand for hearing is filed after the petition was reported disposed under "deferred" (Part 2, Section D, Line 5),

**Line 4:** Under the appropriate case type codes, provide the total number of individuals under a guardianship or conservatorship as of January 1.

**Line 5:** Under the MI case type code, provide the total number of subsequent petitions (*form PCM 218*) filed for a second order. [MCL 330.1472a(2), 330.1473]

**Line 6:** Under the MI case type code, provide the total number of subsequent petitions (*form PCM 218*) filed for a continuing order. [MCL 330.1472a(3), 330.1473]

**Line 7:** Under the MI case type code, provide the total number of supplemental petitions for examination (*form PCM 209 - Supplemental Petition to Application for Hospitalization and Order for Examination and form PCM 209a - Supplemental Petition for Examination/Hospitalization and Order*) [MCL 330.1428, 330.1434] and the total number of petitions to transport minor (*form PCM 240 - Petition and Order to Transport Minor*). [MCL 330.1498t]

**Line 8:** Under the MI case type code, of the total number of new petitions reported in Line 2, provide the number that were for assisted outpatient treatment (form PCM 242).

## PROBATE COURT CASE TYPE CODES

### **SECTION A: ESTATES, TRUSTS**

DA - Decedent estates under supervised administration

DE - Decedent estates under unsupervised administration (includes formal proceedings where no personal representative is requested or appointed)

DH - Determination of heirs when there is no estate administration

PE - Assignment of property in estates not exceeding \$15,000

TR - Trust registration

TT - Trusts, testamentary

TV - Trusts, inter vivos

### **SECTION B: WILLS**

Wills for safekeeping (NO CODE)

### **SECTION C: CIVIL AND OTHER MATTERS**

BR - Registration of Foreign Birth

CZ - All civil actions

ML - Miscellaneous matters

### **SECTION D: GUARDIANSHIPS, CONSERVATORSHIPS, ADMISSION, MENTAL COMMITMENT**

CA - Conservators, adult

CY - Conservators, minor

DD - Guardians, developmental disability

GA - Guardians, adult full

GL - Guardians, adult limited

GM - Guardians, minor full

JA - Judicial admissions, developmental disability

LG - Guardians, minor limited

MI - Mental illness

PO - Protective orders