

Muskegon County 14th Circuit Court- Family Division

Collaborative Law Process

EXISTING CASE:

- A joint motion and Order to Stay proceedings and notice of the signed collaborative law participation agreement must be filed with CCR using SCAO form CCFD 22. NO FILING FEE
 - Once routed to the judicial staff, the Court will stay the proceedings without a hearing.
 - If the Court signs the Order this stays the case for 364 days from the date of filling of the motion. The Court may extend the stay period upon stipulation of the parties.
- Attorneys/SRL must file Status Report using SCAO form CCFD 23 within 182 days and at 364 days. The report should only notify the court if negotiations are ongoing, concluded or terminated. If the parties reach an agreement a Consent Order/Judgment should be submitted promptly.
 - Entering a Consent Order/Judgment
 - Orders must be submitted to Family Court (Amy R.) for approval
 - A case needs to be identified as a *Collaborative Case* in the title of the document.
 - After a Judgment of Divorce has been approved, the Judicial Staff will schedule a hearing for the Proofs.
 - All other orders shall be submitted (by the Attorney) to the Judge for signature after Family Court approval
 - If parties don't submit the report before the stay expires, the Judge's office will issue a Notice of Intent to Dismiss. The Notice will state that the case will be dismissed after 28 days from the date of the notice unless the parties file a proposed Judgment/Order, file a complaint under MCR 2.101 or request a hearing.
- The parties/attorneys are required to promptly notify the court when the process concludes or terminates. Form CCFD 23.
 - The stay is lifted when the notice is filed
 - Once the stay is lifted and there is no agreement, the traditional process resumes.

NEW CASE ENTRY OF CONSENT JUDGMENT AT INITIAL FILING:

- "Party A" is the equivalent of Plaintiff and is the party responsible for filing and service requirements.
- "Party B" is the equivalent of Defendant and is the non-filing party.
- Party A files a petition on SCAO Form CCFD 25 and requests to enter a consent judgment. The heading is "In the Matter of Party A and Party B."
- The petition must include:
 - The grounds for jurisdiction, statutory grounds to enter the Judgment and a request to enter the Judgment
 - Comply with the provisions of MCR 2.113 and 3.206(A) (Standard Complaint language including whether there are any other pending cases)
 - Signed by both parties

- Accompanied by proposed Judgment that complies with MCR 3.211 and is signed by both parties and approved by Friend of the Court
- Accompanied by Verified Statement and Judgment Information form
- Accompanied by Domestic Violence screening form
- The CCR Clerk should
 - Assign a case number/Judge
 - Issue a Notice of Filing on SCAO form CCFD 26 and DO NOT ISSUE A SUMMONS
 - The Notice must be issued “In the Name of the People of the State of Michigan” under the seal of the court that issued it. It must be directed to both parties and include:
 - Name and address of the Court
 - Names of the parties
 - Case number
 - Name of assigned Judge
 - Name, address and bar numbers of any attorneys
 - Date on which the Notice of Filing was issued
 - Date on which the proposed consent Judgment will be heard by the Court
 - Statement that if either party objects to the summary proceeding the case will be dismissed, and
 - Statement that the hearing on the proposed Consent Judgment will be held under MCR 3. 210 at the conclusion of any applicable statutory waiting period.
 - Accept the filing fee
- The Judge’s office schedules a hearing no sooner than 60 days after the date of the Notice of Filing. The Judge may determine whether to waive the six month statute.
 - Both petitioners **SHALL** be present at the hearing

NEW FILING – BEGINNING THE COLLABORATIVE LAW PROCESS WITHOUT FINAL JUDGMENT/ORDER:

- “Party A” is the equivalent of Plaintiff and is the party responsible for filing and service requirements.
- “Party B” is the equivalent of Defendant and is the non-filing party.
- Party A files a petition on SCAO Form CCFD 24. The case caption must read “In the Matter of Party A and Party B.”
- The petition must include:
 - The grounds for jurisdiction, statutory grounds to enter the Judgment and a request to enter the Judgment
 - Comply with the provisions of MCR 2.113 and 3.206(A) (Standard Complaint language including whether there are any other pending cases)
 - Signed by both parties

- Accompanied by Verified Statement
- Accompanied by Domestic Violence screening form
- The Clerk should
 - Assign a case number/Judge
 - Issue a Notice of Filing on SCAO form CCFD 26 and DO NOT ISSUE A SUMMONS
 - The Notice must be issued “In the Name of the People of the State of Michigan” under the seal of the court that issued it. It must be directed to both parties and include:
 - Name and address of the Court
 - Names of the parties
 - Case number
 - Name of assigned Judge
 - Name, address and bar numbers of any attorneys
 - Date on which the Notice of Filing was issued.
 - Statement that if either party objects to the summary proceeding the case will be dismissed
- Accept the filing fee
- Attorneys/SRL must file Status Report using SCAO form CCFD 23 within 182 days and at 364 days. The report should notify the court if negotiations are ongoing, concluded or terminated. If the parties reach an agreement a Consent Order/Judgment should be submitted promptly.
 - Entering a Consent Order/Judgment
 - Orders/Judgments must be submitted to Family Court (Amy R.) for approval
 - A case needs to be identified as a *Collaborative Case* in the title of the document.
 - After a Judgment of Divorce has been approved by Family Court, the Judicial Staff will schedule a hearing for the Proofs.
 - All other orders shall be submitted to the Judge for signature after Family Court approval
 - If parties don't submit the report before the stay expires, the Judge's office will provide a Notice of Intent to Dismiss. The Notice will state that the case will be dismissed after 28 days from the date of the notice unless the parties file a proposed Judgment/Order, file a complaint under MCR 2.101 or request a hearing.

OTHER APPLICABLE CONSIDERATIONS

- The statutory waiting periods apply unless otherwise waived.
- The parties should not be made subject to any of the normal scheduling orders that apply to adversarial domestic relations cases.

- Parties may terminate the collaborative law process at any time by filing a complaint within the case. Upon filing of the complaint the petition is dismissed and a summons is issued for the new complaint.
- The time that the case is stayed does not count toward court's time guidelines.
- The case management systems or registers of actions need not be changed to accommodate the new naming convention. It is acceptable for registers of action entries to reflect Plaintiff and Defendant if the CMS is not modified to accommodate the naming convention for these proceedings.
- ROPA cases should be excluded from this process