

REOPENED CASES

DOMESTIC RELATIONS PROCEEDINGS

This section, Domestic Relations Proceedings, covers the reporting do's and don'ts that should be followed when completing the monthly Domestic Relations SRS form. For ease of following the SRS form, this section is divided into the major sections indicated on the form. The Domestic Relations SRS reporting form is located in the section entitled, SRS Forms. Each U and Y indicates guidelines and directions that should be followed when completing the specific section of the SRS form.

Note: The section entitled, Category Definitions, explains casetype and category definitions.

FILINGS

Number of Filings

Please refer to the section of the SRS form that reports information associated with the number of filings during the specified reporting period.

- U Report, in the appropriate casetype category, the number of complaints or petitions filed during the reporting period.
- U Report cases transferred to the reporting court from another court.
- U Report domestic relations cases which arise out of or occur in conjunction with criminal cases (e.g., domestic violence).
- U Report domestic relations cases which arise out of or occur in conjunction with probate cases or other civil suits.
- U Report each petition/complaint in situations where separate petitions/complaints are filed under the same case number. For example, if a petition for protection against domestic violence is combined under the same case number with a petition for dissolution of marriage, then report each filing.

The following item is a common reporting mistake. Please check this item to ensure that the SRS report **does not** include the same reporting error.

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Y **DO NOT** include cases which were previously reported as disposed but are resubmitted to the court. (See Number of Reopened Cases, page 3-7.)

Number of Dispositions

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Please refer to the section of the SRS form that reports information associated with the number of dispositions during the specified reporting period.

- U Report, in the appropriate casetype and disposition category, the number of cases disposed during the reporting period.

- U Report cases as disposed after the final judicial decision which terminates a civil proceeding by a final judgment entered by the court. For purposes of SRS reporting, include the following:
 - C cases that are consolidated into a primary case. A primary case remains pending until the final judicial disposition is entered.

 - C cases transferred to another court or jurisdiction.

 - C cases which have a stipulation or conditional judgment signed by a judge.

- U Report each disposition in situations where separate casetype petitions/complaints are disposed under the same case number. For example, if a petition for protection against domestic violence is combined under the same case number with a petition for dissolution of marriage, report each disposition.

- U Report each disposition in the category that involves the greatest amount of judicial time using the following scheme which ranks disposition types from greatest judicial time to least judicial time:
 - 1. disposed by jury trial;
 - 2. disposed by non-jury trial;
 - 3. disposed by judge;
 - 4. dismissed after hearing;
 - 5. disposed by default;
 - 6. dismissed before hearing; and
 - 7. other.

- U Report cases referred to **mediation or arbitration** when the cases are finally disposed in the disposition category that reflects the most judicial time involved. These cases are **not** reported as disposed at the time the case is referred to mediation or arbitration. These cases are **not** to be reported as disposed in the **other disposition** category unless "other" is the actual disposition.

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The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** report applications for voluntary binding arbitration for SRS. However, the law requires the clerk to keep separate records of the applications.
- Y **DO NOT** report a case as dismissed when a leave to file an amended complaint is issued. Report the case as disposed when the final disposition occurs.
- Y **DO NOT** report a case as disposed when an abatement is issued to stay the proceedings. **Report the case as disposed once a final judgment has been entered by the court.**
- Y **DO NOT** report a domestic violence case as disposed when an ex parte temporary injunction is granted by the court. **Report the case as disposed when a hearing is held and the court either grants the injunction for protection against domestic violence or dismisses the case.**
- Y **DO NOT** report cases submitted to mediation or arbitration. Report these cases once the final judicial disposition is entered.
- Y **DO NOT** report the dispositions of reopened cases.

Dismissed, Settled, Or Disposed Before Hearing

The following guidelines refer to dispositions that occur prior to a hearing.

- U Report, in the appropriate casetype category, the number of cases dismissed before a hearing is held.
- U Report cases dismissed due to **lack of prosecution** before a dismissal hearing is held.
- U Report voluntary dismissals made prior to a hearing.
- U Report cases that are settled before a hearing is held before the judge.

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Dismissed After Hearing

The following guidelines refer to dispositions that occur after a hearing.

- U Report, in the appropriate casetype category, the number of cases dismissed after a hearing is held.
- U Report cases dismissed due to a **lack of prosecution** after a dismissal hearing has been held.
- U Report cases dismissed by the judge after a hearing is held.
- U Report voluntary dismissals that occur after a hearing is held.
- U Report cases that are settled after a hearing is held.

Disposed By Default

- U Report, in the appropriate casetype category, the number of cases disposed after a defendant chooses not to or fails to contest the plaintiff's allegation and a judgment against the defendant is entered by the court.

Disposed By Judge

- U Report, in the appropriate casetype category, the number of cases disposed after a judgment or decision has been reached by a judge.
- U Report stipulations/conditional judgments only if a hearing is held before a judge. Report the case as disposed when the parties enter the stipulation.
- U Report cases disposed as the result of the granting of a motion for judgment on the pleadings.
- U Report cases disposed as the result of a motion for summary judgment by the judge.
- U Report cases referred to mediation/arbitration that resulted in a decision or judgment entered by the court.

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- U Report uncontested dissolution of marriages.

Disposed By Non-Jury Trial (Bench Or Judge Trial)

For reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made.

- U Report, in the appropriate casetype category, the number of cases disposed as a result of a contested trial in which there is no jury and in which a judge determines both the issues of fact and law in a case.
- U Report contested dissolution of marriages.

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** include cases which result in a mistrial. **Report these cases in the appropriate disposition category when the case has a final disposition.**
- Y **DO NOT** include cases disposed as the result of the granting of a motion for a summary judgment. (See Disposed By Judge dispositions, page 3-4.)
- Y **DO NOT** include dispositions of simplified dissolutions in the non-jury trial category.

Disposed By Jury Trial

Paternity cases (Other Domestic Relations Casetype Category) are the only type of domestic relations case that may result in a jury trial. For reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are selected and sworn.

- U Report, in the appropriate casetype category, the number of cases disposed after a jury trial begins.
- U Report cases that settle after the jurors and alternates are selected and sworn, even if the jury did not render a judgment or decision.

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The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** include cases which result in a mistrial. **Report these cases in the appropriate disposition category when the case has a final disposition.**
- Y **DO NOT** include summary jury trials. **Report these cases in the appropriate disposition category when the case has a final disposition.**

Other

- U Report, in the appropriate casetype category, the number of cases that do not meet the requirements of the previously mentioned disposition categories.
- U Report cases which are consolidated into a primary case. A primary case remains pending until the final judicial disposition is entered.
- U Report cases that are transferred to another court or have a change of venue.
- U Report URESA cases where an order to stay proceedings is issued when the payor cannot be located.

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Number of Reopened Cases

Please refer to the section of the SRS form that reports information associated with reopened cases during the specified reporting period.

Modifications

- U Report, in the appropriate casetype category, the number of cases previously reported as disposed which are reactivated or resubmitted to the court for action to modify a previous judgment or decision.
- U Report rehearings and all motions and petitions filed in cases previously reported as disposed where **judicial action will be involved** relating to a modification.
- U Report modifications of previous judgments or decisions. Examples include but are not limited to:
 - C modifications relating to a change in the amount of child support;
 - C modifications relating to a change in residential status of a child; or
 - C modifications relating to the conditions or length of visitation days of a non-resident parent.
- U Report separate motions/petitions filed subsequent to the close of the case but on the same day as only one reopening. However, if separate motions/petitions are filed subsequent to the close of the case on different days, then report each occurrence.

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** report the dispositions of modifications.
- Y **DO NOT** include execution of judgments.

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Other

- U Report, in the appropriate casetype category, the number of cases previously reported as disposed which are reactivated or resubmitted to the court for action other than modification requests.
- U Report rehearings and all motions and petitions filed in cases previously reported as disposed where **judicial action may be involved**.
- U Report the enforcement of previous judgments or decisions. Examples include but are not limited to:
 - C motion to enforce judgment;
 - C motion and order to show cause;
 - C motion to enforce visitation; or
 - C motion for contempt.
- U Report stipulations/conditional judgments that are not successfully completed and are reactivated for judicial enforcement.
- U Report contempt proceedings brought against the defendant or plaintiff held subsequent to the close of the case.
- U Report cases that resulted in a default that are later reactivated.
- U Report cases dismissed without prejudice which are later reactivated.
- U Report multiple motions/petitions filed subsequent to the close of the case but on the same day as only one reopening. However, if multiple motions/petitions are filed subsequent to the close of the case on different days, then report each occurrence.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** report the dispositions of reopened cases.
- Y **DO NOT** include execution of judgments.