

17 - District Division General Information

General information, District Division

The District Division of the 46th Circuit Trial Court is open Monday through Friday from 8:00 a.m. until 4:30 p.m.

For information about the court or questions relating to a matter before the court, you can call the appropriate number listed on the back of this brochure, or contact the court on the internet at www.circuit46.org.

While the District Divisions of the 46th Circuit Trial Court processes over 19,000 new cases each year, it is a court of limited jurisdiction. This means its authority is limited to just those actions that have been defined by State law. This court has original jurisdiction (meaning cases begin in this court) for the following actions occurring in the circuit:

- ! All traffic and ordinance violations;
- ! All criminal misdemeanor cases;
- ! Preliminary examinations for all felony cases;
- ! Small claims suits;
- ! Civil lawsuits (other than small claims) for claims up to \$25,000;
- ! All landlord/tenant matters involving rent and land contract disputes.

The District Division of the 46th Circuit Trial Court is presided over by a chief judge, who oversees 5 judges, 8 magistrates, and a staff of more than 50 court employees.

Civil Division

This division of the court handles cases in which one party (a person, group, business, corporation, or organization) brings an action against another party for money owed as a result of a variety of causes. Such reasons include overdue accounts, rental security deposits, delinquent rent, repair bills, physical damage, breach of contract, etc. You must file in the county where the business or person being sued does business or resides, or where the action occurred. To begin a lawsuit in the Civil Division, you must fill out and file the appropriate forms and pay the necessary fees. The Civil Division Docket is divided into two categories:

- ! General civil cases for suits up to \$25,000
- ! Small claims cases for suits up to \$3,000.

The General Civil Docket handles all lawsuits started in the civil division that are not small claims cases. The amount of a claim cannot exceed \$25,000. In these cases, either party has the right to an attorney, the right to a jury trial, and the right to appeal the decision of the Court. Civil lawsuits for claims greater than

\$25,000 must be filed in the Circuit Division.

Small claims cases involve a more informal and speedier process for money disputes up to \$3,000. If you have a case in small claims court, you give up the right to have an attorney present in court, the right to a jury trial, and the right to appeal a judge's decision.

Mediation

Many matters filed in the District Division can be resolved through the use of mediation. The type of cases include:

- ! Landlord/Tenants Disputes
- ! Small Claims Actions
- ! Civil Cases (under 25,000)
- ! Consumer/merchant disputes
- ! Contract disputes
- ! Neighborhood disputes

Mediation is a process where two or more people settle their problems without going to court. A neutral person called a mediator will work with all parties to assist them in reaching a mutually satisfactory and successful solution to the problem.

There are many reasons why a person might want to consider mediation. Mediation is usually free or available at a low cost. It is quick, usually mediations can be scheduled within ten days; and it's effective, approximately 80% of all mediations end in an agreement.

For more information about the option of mediation, call 1-800-873-7658.

Criminal Division

Cases for crimes committed within the 46th Judicial Circuit are handled by this division of the court. The criminal division processes:

- ! All misdemeanor cases, from arraignment through sentencing
- ! All felony cases, from arraignment through the preliminary exam.

Arraignments in the District Division are held before a magistrate or a judge.

Probation Division

The Probation Division supervises and assists persons placed on probation, conducts investigations, and prepares pre-sentence reports. Probation is an option that the court can use in determining the penalty a

defendant must pay for a criminal conviction. By the granting of probation, the court imposes a sentence. The maximum length of a sentence of probation in the District Division is two years.

Traffic and Ordinance Division

If you are ticketed or arrested in the 46th Judicial Circuit for a traffic violation or a city/village ordinance violation, your case will be processed in this division. The traffic and ordinance division handles the following types of cases:

- ! Civil infraction traffic violations, such as speeding, illegal turn, going through a red light, etc. These traffic violations are non-criminal
- ! Misdemeanor traffic violations that can result in arrest. The maximum penalty for crimes in this category is \$1,000 fine and/or one year in jail
- ! City ordinance violations, which are criminal offenses such as gun law violations, prostitution, disorderly conduct, and drug violations that violate city rather than state law
- ! Environmental cases, including, building safety, hazardous waste, and littering