



THE THIRD JUDICIAL CIRCUIT  
OF MICHIGAN

711 COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVENUE  
DETROIT, MICHIGAN 48226-3413

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**DOCKET DIRECTIVE 2007-05**

STATE OF MICHIGAN  
THIRD JUDICIAL CIRCUIT

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**SUBJECT: PROCEEDINGS REGARDING THE BOND FORFEITURE PROGRAM IN THE  
CRIMINAL DIVISION OF THE THIRD CIRCUIT COURT**

This docket directive applies to the scheduling and processing of bond forfeiture hearings arising out of a criminal case where the judge has ordered that bond be forfeited due to the non-appearance of the defendant. Such matters shall be initiated by the Third Circuit Court as petitioner. The docket directive is necessary for the purpose of administrative efficiency, judicial economy, establishing adequate minimum due process, including notice requirements, and to enforce the Court's requirement that every defendant appear for scheduled court proceedings.

**IT IS ORDERED:**

1. These procedures apply to criminal cases with newly forfeited bonds beginning April 30, 2007:
  - a. **Default** A petition for bond forfeiture action shall be initiated upon the issue of an order forfeiting bond against the defendant and the third party surety, where applicable.
  - b. **Notice of Default and Hearing Date** - A Bond Forfeiture hearing shall be scheduled for a date no less than 28 days following the issue of the Failure to Appear Order and order to forfeit bond. A copy of the Failure to Appear Order and Hearing Notice shall be mailed to the named respondents within 48 hours of the default.
  - c. **Reappearance and Hearing Cancellation** - Should the defendant re-appear in court prior to the scheduled date, the bond forfeiture hearing shall be cancelled immediately by the courtroom clerk.
  - d. **Hearing and Judgment** - The Judge shall make a finding based on the evidence offered by the Petitioner and Respondent(s) at the hearing. The Court's finding shall be limited to the following: default with a monetary judgment; consent with a monetary judgment; contested with a monetary judgment; or a dismissal.

2. The forfeiture judgment shall be entered as an event/filing under the criminal case. A copy of the judgment order shall be maintained in the criminal case file and a copy forwarded to the County Clerk's FSU (bond office).
3. All payments on monetary judgments stemming from bond forfeiture hearings shall be made in accordance with MCL 765.13. based on the established method of processing such monetary bond forfeiture judgments involving the Wayne County Clerk's Office, Wayne County Treasurer's Office and the Court.
4. All deposits from #3 above shall be held in accordance with MCL 765.17.
5. Any payment stemming from a bond forfeiture judgment shall be subject to a one year redemption period from the date of judgment as provided under MCL 765.15.
6. Redemption period motions shall be heard by the Criminal Division Judge who issued the bond forfeiture judgment.



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MARY BETH KELLY  
Chief Judge  
Third Judicial Circuit of Michigan

DATED: May 1, 2007