

Arkansas  
State Court Guide To  
Statistical Reporting

2016

Administrative Office of the Courts

## **Introduction**

On July 1, 1965, the Arkansas General Assembly approved the creation of the Arkansas Judicial Department, now known as the Administrative Office of the Courts (AOC). One of the primary responsibilities of the new agency was the collection and management of case data from all state courts. Act 496 of 1965, now codified at A.C.A. § 16-10-101 et. seq. provided that the Supreme Court, with the assistance of the Director of the AOC, shall:

- ... make recommendations for a uniform system of judicial statistics....
- Collect, analyze and report... statistical and other data concerning the business of the courts....
- Prepare statistical data and reports of the business of the courts....
- ...make recommendations as to the purchase and use of hardware and software for computer systems for the courts... so as to improve the quality and efficiency of justice.

To further these goals, the Act provided that the “Chief Justice may require reports from all courts of the state and may issue such orders and regulations as may be necessary for the efficient operation of those courts to ensure the prompt and proper administration of justice... The lower courts shall keep such adequate and uniform records as are required by law or as may be required by rule or order of the Supreme Court.”

Since 1965, the Arkansas Supreme Court has enacted rules and administrative orders to guide and carry out these responsibilities. The AOC adopted processes for collecting, reporting, and managing case related data and made multiple versions of an electronic case management system available for use by local courts. From time to time the General Assembly enacted specific laws that required the collection and reporting of various types of information associated with a case in state court.

A significant change in the structure of the court system occurred in 2000 with the voters’ approval of Amendment 80 to the Arkansas Constitution. New statistical forms and reporting procedures were adopted as a result of these changes. Other changes over time have also affected, and continue to affect, the collection of data. These include changes in the number and size of courts and, significantly, changes in technology.

In 2012 the AOC contracted with the National Center for State Courts to initiate a comprehensive Data Quality Project. This publication is part of the product of that ongoing project. Special thanks is owed to the Data Dictionary Workgroup, consisting of Joe Beard, Terry Bobo, Larry Brady, Stacey Cardin, Dawn Castle, Keith Caviness, Sheri Cole, Connie Compton, Lorna Cross, Jaci Gage, Donna Gay, J.D. Gingerich, Timothy Holthoff, Krystal Mann, Linda Ryerson, Jason Smith, John Stewart, Connie Hickman Tanner, and Gloria Thompson. They spent approximately eighteen months reviewing and analyzing all of the individual pieces

of case-related data requested by and/or reported to the AOC and the definitions for each. We also appreciate the assistance of the National Center for State Courts and resources including the *Nevada Courts Statistical Reporting Dictionary*.

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## **Chapter 1. Overview**

This Arkansas State Court Guide to Statistical Reporting (hereafter, the Arkansas Guide) is adopted as the official model and framework for the collection and reporting of case-related data from all district, circuit, and appellate courts in Arkansas. Its purpose is twofold:

1. to ensure that accurate and complete statistics are reported from all courts and
2. to allow for the uniform and consistent comparison and reporting of these statistics to the court community, other policy makers, and the public.

The Arkansas Guide is designed to be consistent with the National Center for State Court's Court Statistics Project guidelines. This enables uniform and consistent comparison and reporting of statistics not only within Arkansas, but also with other states.

The Arkansas Guide is divided into five sections in addition to this chapter and the appendix: Civil, Criminal, Domestic Relations, Juvenile, and Probate. Traffic/Ordinance and Appellate sections will be released at a later date. Within each section direction is provided in each of the following four areas.

### Case Types

At the time a case is filed for a civil, criminal, domestic, probate, juvenile, or appellate case, the party filing the case is required to use a cover sheet and must select a case type. The case type chosen should describe the primary issue raised in the pleadings. Case types for all the possible proceedings under Arkansas law are provided and described in the Arkansas Guide. Any case type of "other" should be used rarely and only when a more specific description is not available.

### Unit of Count and Caseload Statistics

Special instructions are provided for each category of cases including information about which filings are to be counted, when they are to be counted, and how to handle special circumstances such as referrals to mediation, specialty courts, or bankruptcy.

Definitions for active and inactive cases as well as for those set for review are provided for each category of cases. In order to provide you, the public, and policy-makers with accurate statistics, data quality is essential. For statistics to be meaningful they must be reported consistently and uniformly.

### Manner of Filing

The manner of filing records how this case entered the court system. The manner of filing typically includes new cases, reopened cases, transfers, and reactivated cases.

### Manner of Disposition

Trial types and manners of disposition are used to record essential information about the disposition of each case. Possible trial types and manners of disposition are provided in each section. Special notes provide guidance for when a case is considered disposed for statistical purposes. A case may be considered disposed for statistical purposes even if it is kept open for purposes of review.

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## Chapter 2. Civil Cases

Civil cases include a broad category of proceedings in which a party requests the enforcement or protection of a right or the redress or prevention of a wrong. Civil cases can be filed in District Courts or Circuit Courts. When a civil case is filed, Supreme Court Administrative Order Number 8 requires the attachment of a Civil Cover Sheet and the designation of the case from the following list of case types. When a complaint includes multiple causes of action, only one case type should be designated. It should be the one that best describes the nature of the case.

### Civil Case Type List

#### **Torts**

Automobile  
Intentional  
Malpractice – Medical  
Malpractice – Other  
Premises Liability  
Product Liability  
Slander/Libel/Defamation  
Tort – Other

#### **Contracts**

Buyer Plaintiff  
Employment Discrimination  
Employment Other  
Seller Plaintiff (Debt Collection)  
Contract – Other

#### **Real Property**

Condemnation/Eminent Domain  
Landlord/Tenant Unlawful Detainer  
Landlord/Tenant Other  
Mortgage Foreclosure  
Real Property – Other

#### **Miscellaneous Civil**

Administrative Appeal  
Elections  
Foreign Judgment – Civil  
Fraud  
Habeas Corpus  
Injunction  
Property Forfeiture  
Register Arkansas Judgment  
Writ  
Civil – Other

### Civil Case Type Definitions

#### **Torts**

**Automobile:** Cases involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

**Intentional:** Cases involving injury to property or person alleged to be willfully brought upon one party by another.

**Malpractice – Medical:** Cases alleging misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician’s assistants, dentists, etc.

Malpractice – Other:	Cases alleging misconduct or negligence by a professional. Use this case type for malpractice cases that are not included within the medical malpractice case type.
Premises Liability:	Cases involving claims brought against the owner of real property, alleging the condition of the property to be the cause of personal injury (e.g. slip and fall).
Product Liability:	Cases alleging that injury is caused by the manufacturer or seller of an article due to 1) a defect in, or the condition of, the article sold or 2) an alleged breach of duty to provide suitable instructions to prevent injury.
Slander/Libel/ Defamation:	Cases alleging harm to the reputation, community standing, or livelihood of the claimant caused by false or misleading statements made by the defendant.
Tort – Other:	Cases alleging an injury or wrong committed against a person, their reputation, or their property by a party who either did something that he was obligated not to do or failed to do something that he was obligated to do. Use this case type for Tort cases of unknown specificity or when Tort cases are not attributable to one of the other more specific Tort case types.
<b>Contracts</b>	
Buyer Plaintiff:	Cases involving a buyer of goods or services alleging failure of the seller to deliver said goods or services or to honor a warranty as promised in an express or implied contract.
Employment Discrimination:	Cases alleging that the defendant/employer denied hiring, salary increases, or other forms of advancement based on the plaintiff/employee's race, gender, national origin, age, or sexual orientation.
Employment Other:	Cases involving any dispute between an employer and employee over the conditions, terms, or termination of employment. Use this case type for employment dispute cases of unknown specificity or for employment cases that are not included within the employment discrimination case type.

**Seller Plaintiff:** Cases in which the plaintiff/seller brings suit against a buyer of goods or services for failure to pay as promised in an express or implied contract (debt collection).

**Contract –Other:** Cases alleging a dispute over an agreement (express or implied) between two or more parties. Use this case type for contract cases of unknown specificity or when contract cases are not attributable to one of the other previously defined contract case types.

### **Real Property**

**Condemnation/Eminent Domain:** Cases wherein a property owner challenges the amount of remuneration offered by the state for the taking of a parcel of land.

**Landlord/Tenant Unlawful Detainer:** Cases alleging a breach of contract (lease/rental agreement) between a landlord and a commercial or residential tenant in which a landlord alleges that the tenant’s right to occupy the real property has terminated.

**Landlord/Tenant Other:** Cases alleging a breach of contract between a landlord and tenant. Use this case type for landlord/tenant dispute cases which are not included within the Landlord/Tenant Unlawful Detainer case type.

**Mortgage Foreclosure:** Cases in which a mortgage holder petitions the court to sell mortgaged property to satisfy a mortgage debt. Actions and administrative proceedings that are authorized by the Arkansas Statutory Foreclosure Act (also known as non-judicial foreclosures) are not to be included or reported as a civil case or included in the civil case statistics.

**Real Property – Other:** Cases involving disputes over the ownership, use, boundaries, or value of real property. Use this case type for real property cases of unknown specificity or when real property cases are not included within the definition of other real property case types.

### **Miscellaneous Civil**

**Administrative Appeal:** Appeals brought in the civil division of circuit court disputing the ruling or finding of an administrative agency.

**Election:** Cases alleging a dispute about an election.

Foreign Judgment - Civil:	Registration of a civil judgment from another state.
Fraud:	Cases alleging the intentional misrepresentation of fact for the purpose of financial or legal gain.
Habeas Corpus	Cases involving a writ designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence
Injunction:	Cases involving the request for a written court order directed to a specific person, requiring that person to perform or refrain from performing a specific act.
Property Forfeiture:	Petitions filed by the State of Arkansas to forfeit property seized in the course of a criminal matter.
Register Arkansas Judgment:	Registration of a civil judgment from another jurisdiction in Arkansas.
Writs:	Cases involving the request for an order requiring performance of an act not associated with an existing case and where no other legal remedy exists. Examples include Writs of Mandamus, Quo Warranto, or Prohibition.
Civil – Other:	Cases in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong. Use this case type for civil cases of unknown specificity or for civil cases that are not attributable to one of the other previously defined civil case types.

### Unit of Count and Caseload Statistics

The statistical reporting of civil cases is based upon the number of cases filed, not the number of plaintiffs, defendants, or claims. A civil case with multiple parties or multiple causes of action is counted as one case.

A civil case is considered filed when the complaint, petition, or request is received by the clerk and a case number is assigned. For statistical purposes, cases transferred to a court from another state or another judicial district within the state are considered new case filings. Cases transferred from another division within the same judicial district are not considered new case filings.

Basic statistical reporting of civil cases is designed to include:

- the number of cases that are pending at the start of a reporting period;
- the number of incoming cases that have been added during the reporting period;
- the number of outgoing cases that were removed during the reporting period; and
- the number of cases pending at the end of the reporting period.

Cases entered in error are not included in statistical reporting. Additionally, statistical reporting includes:

- the number of cases with pro se litigants; and
- the number of cases requiring an interpreter.

The caseload is also divided between active and inactive cases. The designation of a case as “inactive” is an exceptional event that is unrelated to whether or not recent action has occurred in the case; rather, it is a designation that is applied when the court is prohibited from taking action on the case due to events or circumstances outside of the court’s control. An inactive case is then counted as reactivated when the court can once again take action. Following are examples for designating a civil case as inactive:

- a stay is issued due to military duty of one of the parties;
- the case is subject to mandated arbitration not under the court’s control; or
- the court is unable to take action due to removal to bankruptcy court.

When a case is referred by the court to any form of alternative dispute resolution, the case remains on active status.

Special notes for civil cases:

- If a party is a pro se litigant at any point in the case, enter pro se as the party status even if the party has counsel at some point in the case.
- If any party to the case will require interpreter services, enter the language that person needs in their demographic information.
- Indicate that an interpreter was used in the hearing information.

### Manner of Filing

In each civil case the manner by which the case arrives at the court for filing must be entered. The case may be an original filing, a reopening of a case, a transfer of a case from another state court, or a reactivation of a case inactive as a result of a stay or action in federal/bankruptcy court.

A case cannot have multiple concurrent reopenings. If a case is reopened due to a filing by one of the parties, any subsequent filings prior to the new disposition are to be included in that reopening.

## Manner of Disposition

The manner of disposition is the manner whereby a case is closed or becomes inactive. A case is disposed when it has been closed by a judgment, a decree or order of dismissal, or a transfer to another jurisdiction. This officially occurs when the order is entered in the clerk's office or when the order is accepted by the electronic filing system. If an order is filed in open court, it must still be filed with the clerk's office on the next business day.

In civil cases, the following special notes apply:

- A case for which a final decree, order, or judgment is entered is considered disposed for statistical purposes even if the case is monitored until the costs have been paid.
- A case should not be kept open in anticipation of a party returning.
- If two or more civil cases are consolidated after filing to be processed or tried as one case, each of the cases except for the one into which the cases were consolidated should be reported as disposed at the time of consolidation. When the consolidated case is decided, the disposition should be reported under the appropriate trial type and manner of disposition category.
- For civil cases involving multiple parties or issues, the case will not be counted as disposed until all of the parties and issues have been resolved.
- A civil case with no activity may be dismissed by the court on its own motion.
- Although removal to arbitration, federal court, or bankruptcy court are manners of disposition, for statistical purposes these cases are considered to be inactive and appear on the inactive case list.

In some cases multiple trial types and manners of disposition may occur. Choose the trial type that required the most judicial involvement. For example, in a complex contract dispute in which some issues were stipulated and dismissed and the remaining issues were decided by a jury, the trial type would be Jury Trial.

### Trial Type

Jury Trial:	A trial in which a jury is impaneled to determine the issues of fact in a case. A jury trial should be noted as the disposition manner if the jury has been sworn, regardless of whether a jury verdict is reached.
Bench Trial:	A trial in which a judge hears the case. A bench trial should be noted as the disposition manner in any case in which a witness is sworn or evidence is introduced in a proceeding, regardless of whether a judgment is reached.

**Non Trial:** Any type of disposition that does not involve a bench trial or a jury trial. Examples include dismissals, default judgments and settlements.

Manner of Disposition

**Judgment:** A case in which an adjudication was reached on at least one of the issues involved.

**Dismissed:** A case that is disposed without adjudicating the claims.

**Consolidated:** A case that is combined with another case.

**Transferred:** A case that is transferred to another jurisdiction within the state court system.

**Removed to bankruptcy court:** A case made inactive because of a filing in federal bankruptcy court and no further state court action is possible. These cases appear on the “inactive” caseload.

**Removed to other federal court:** A case closed as a result of a filing in federal court.

**Removed to arbitration:** A case made inactive because it has moved to arbitration and no further state court action is possible. These cases appear on the “inactive” caseload.

## Chapter 3 – Criminal Cases

Criminal cases include proceedings in which the State of Arkansas holds a party or parties responsible for alleged violations of state law or local ordinance. Criminal cases may be filed in circuit, district, or appellate courts. Circuit courts can hear all criminal cases. District courts have subject matter jurisdiction over criminal cases involving misdemeanors and may also hear preliminary felony cases. When a criminal case is filed, designate the case as one of the following case types. When information includes multiple charges, the case type should be the one that best describes the nature of the case.

### Criminal Case Type List

Extradition	Misdemeanor
Extraordinary Writ	Misdemeanor Appeal
Felony	

### Criminal Case Type Definitions

Extradition:	A proceeding in which evidence is presented so that the court can determine if a defendant should be surrendered to another state's jurisdiction.
Extraordinary Writ:	A type of criminal proceeding involving any one of a group of writs requested by a party, which, if granted, provides extraordinary remedy to the petitioner. Examples: writs of mandamus, habeas corpus quo warranto, and error coram nobis.
Felony:	Cases alleging an offense punishable by incarceration for a year or more or death.
Misdemeanor:	Cases involving an offense punishable by incarceration for less than a year and/or fines.
Misdemeanor Appeal:	Criminal/violation appeals brought in a circuit court disputing the ruling or judgment of a district court.

### Unit of Count and Caseload Reporting

The statistical reporting of criminal cases is based upon the number of defendants. A case consists of a single defendant and a single incident regardless of the number of charges filed. A criminal case is considered filed when it is received by the clerk and a case number is assigned.

Basic statistical reporting of criminal cases is designed to include:

- the number of cases that are pending at the start of a reporting period;
- the number of incoming cases that have been added during the reporting period;
- the number of outgoing cases that were removed during the reporting period; and
- the number of cases pending at the end of the reporting period.

Cases entered in error are not included in statistical reporting. Additionally, statistical reporting includes:

- the number of cases with pro se defendants; and
- the number of cases requiring an interpreter.

The caseload is also divided between active and inactive cases. The designation of a case as “inactive” is an exceptional event unrelated to whether or not recent action has occurred in the case; rather, it is a designation which is applied when the court is prohibited from taking action on the case due to events or circumstances outside of the court’s control.

Following are examples for designating a criminal case as inactive:

- the defendant has absconded, an arrest order has been issued, and the court has suspended activity until the defendant is returned to court;
- the court has ordered a fitness to proceed examination or a criminal responsibility evaluation;
- a case is referred by the court to a pre-adjudication specialty court program such as drug court or veterans’ court; or
- a stay is issued in the case from the Arkansas Supreme Court or Court of Appeals.

The following are counted as new case filings:

- A case filed in circuit court even if a district court has already held a first appearance;
- A case transferred from the juvenile division to the criminal division;
- An appeal filed in circuit court following a conviction in district court;
- A case transferred between counties or circuits;
- An extraordinary writ not part of a previous criminal case; or
- A writ filed in the circuit court of the county in which the petitioner is held in custody (if different from the county where the conviction occurred).

The following are NOT counted as new case filings:

- A case transferred from another division within the same county; or
- A case transferred to a specialty court.

The following are counted as reopened cases with the same case type as the original case:

- A revocation of probation or suspended imposition of sentence that arises from a previous case;
- An extraordinary writ arising from a previous case; or
- A petition for post-conviction relief, such as a Rule 37 petition.

In criminal cases, the following special notes apply:

- A case will be statistically counted as both a district court case AND as a circuit court case if some part of the case was heard in each court.
- A case with multiple defendants will be counted as a separate case for each defendant.
- Multiple charges in a single incident will be counted as one case per defendant.
- Criminal cases arising from traffic offenses, such as DWI, are filed as criminal cases. Other traffic offenses are typically filed in district court as traffic and local ordinance cases.
- If a defendant is pro se at any point in the case after arraignment, enter pro se as the party status even if the defendant retains counsel for some portion of the case.
- If any party to the case will require interpreter services, enter the language that person needs in their demographic information.

### Manner of Filing

In each criminal case the manner by which the case arrives at the court for filing must be entered. The case may be an original filing, a reopening of a case, a transfer from district court or another circuit, a sentencing for an Extended Juvenile Jurisdiction (EJJ) case, or an appeal from a lower court.

If the manner of filing is a reopening due to a revocation of probation or a suspended imposition of sentence, the case type should be the same as the original case.

### Manner of Disposition

The manner of disposition is the manner whereby a case is closed or becomes inactive. A case is disposed when it has been closed by a judgment, a decree, or order of dismissal; Nolle prossed (dropped); or transferred to another jurisdiction. This officially occurs when the order is entered in the clerk's office or when the order is accepted by the electronic filing system. If an order is filed in open court, it must still be filed with the clerk's office on the next business day.

In criminal cases, the following special disposition notes apply:

- If two or more criminal cases involving the *same* defendant are consolidated after filing to be processed or tried as one case, only one case is kept open. Each of the cases except for the one into which the cases were consolidated should be reported as disposed at the

time of consolidation. When the consolidated case is decided, the disposition should be reported under the appropriate trial type and manner of disposition category.

- If two or more criminal cases involving *different* defendants are tried together, each of the cases should be reported as disposed individually.
- For criminal cases involving multiple charges, the case will not be counted as disposed until all of the charges have been resolved.
- If a mistrial occurs and the case is not to be retried, it should be disposed as a mistrial. The trial type will be jury trial if a jury was sworn before the mistrial. The manner of disposition will be mistrial.

In some cases multiple trial types may occur. Choose the trial type that required the most judicial involvement. For example, in a case in which some charges were dropped and the remaining charges were decided by a jury, the trial type would be Jury Trial. If the defendant pled in the middle of a trial, the trial type would still be Jury Trial. If the defendant pled prior to a jury being sworn, the trial type would be Plea.

### Criminal Trial Types

Jury Trial:	A trial in which a jury is impaneled to determine the issues of fact in a case. A jury trial should be noted as the disposition manner if the jury has been sworn, regardless of whether a jury verdict is reached.
Bench Trial:	A trial in which a judge hears the case. A bench trial should be noted as the disposition manner in any case in which a witness is sworn or evidence is introduced in a proceeding, regardless of whether a judgment is reached.
Plea:	A case in which the defendant and the prosecutor agree to a disposition, subject to approval by the judge.
Non Trial:	Any type of disposition that does not involve a bench trial or a jury trial. Examples include dismissals or Nolle prosequi.

### Criminal Disposition

Each charge in a criminal case must have a disposition. For a case to be closed, every charge must be disposed. Available dispositions in criminal cases include:

Acquittal (not guilty):	A charge for which the defendant was found not to be responsible for the crime or offense.
Acquittal mental defect:	A case in which a defendant was found to lack either the capacity to understand the criminality of his/her conduct or to follow the law as a result of mental illness.
Change of venue:	A case transferred to another jurisdiction.
Consolidated/ Joined:	A case closed because it was combined with another case involving the same defendant.
Deferred:	A charge postponed to a future time, usually with requirements that the defendant must complete in order for the charge to be dismissed.
Dismissed:	A charge disposed without an acquittal or finding of guilt.
Dismissed – speedy trial:	A case dismissed as a result of delays in prosecution.
Guilty:	A charge for which the defendant was found responsible for the crime or offense.
Nolle Prosequi:	A charge dismissed by the prosecutor with the permission of the court.
Nolle Prosequi – speedy trial	A charge dismissed by the prosecutor on speedy trial grounds.
Petition denied:	A case in which the court denies a petition.
Petition granted:	A case in which the court grants a petition.
Revoked:	A case in which probation or a suspended sentence is revoked.
Transferred	A case transferred to another jurisdiction within the state court system.
Transferred to Juvenile:	A case transferred to the juvenile division.
Transferred to specialty court:	A case transferred to a specialty court, such as drug court, veterans’ court, or DWI court.

**Chapter 4– Domestic Relations Cases**

Domestic Relations cases involve actions between family members or those who are or have been in a domestic relationship. These are cases relating to divorce, annulment, maintenance, custody, visitation, support, paternity, and domestic abuse. When a Domestic Relations case is filed, Supreme Court Administrative Order Number 8 requires the attachment of a Domestic Relations Cover Sheet. If the case involves minor children, a confidential information sheet must also be included (A.C.A. §9-24-105).

A case type must be chosen on the cover sheet. When a complaint includes multiple causes of action, only one case type should be designated. It should be the one that best describes the nature of the case.

Domestic Relations Case Type List

- |                                       |                              |
|---------------------------------------|------------------------------|
| Annulment                             | Paternity                    |
| Contempt – Domestic Relations         | Separate Maintenance         |
| Custody                               | Support - OCSE               |
| Divorce                               | Support – Private (non-OCSE) |
| Foreign Judgment – Domestic Relations | Visitation                   |
| Order of Protection                   |                              |

Domestic Relations Case Type Definitions

- |  |  |
|--|--|
| Annulment:                             | Cases involving nullification of a marriage.   |
| Contempt-Domestic Relations            | Enforcement of a prior order.  |
| Custody                                | Cases in which an individual requests that a court make a determination regarding the control or care of a child.  |
| Divorce:                               | Cases involving dissolution of a marriage.   |
| Foreign Judgment – Domestic Relations: | Registration of a judgment from another court.   |
| Order of Protection:                   | Cases in which an individual requests that a court issue a protection or restraining order designed to limit or eliminate the contact between two or more individuals who are considered to be in a domestic relationship. |

Paternity:	Cases involving the establishment of the identity and/or responsibilities of the father of a minor child.
Separate Maintenance:	An allowance granted to a spouse for support of him/herself and children while he/she is living apart from his/her spouse.
Support - OCSE:	Cases filed by the Office of Child Support Enforcement (OCSE) to request maintenance of that parent/guardian or a minor child by a person who is required to provide such maintenance under Title IV-D of the Social Security Act of 1973. These include cases involving parents receiving TANF benefits.
Support – Private (non-OCSE):	Cases brought by a parent/guardian to furnish funds or means to maintain or provide for a child.
Visitation	Cases in which an individual asks a court to schedule the time the individual will spend with the minor children. Such requests can be brought before the court by parents, grandparents, or other family members. Do not include cases in which custody/visitation issues are part of a marriage dissolution/divorce proceeding in this category.

### Unit of Count and Caseload Statistics

The statistical reporting of domestic relations cases is based upon the number of cases filed, not the number of plaintiffs, defendants, or claims. A domestic relations case with multiple parties or multiple causes of action is counted as one case.

A domestic relations case is considered filed when the complaint, petition, or request is received by the clerk and a case number is assigned.

Basic statistical reporting of domestic relations cases is designed to include:

- the number of cases which are pending at the start of a reporting period;
- the number of incoming cases that have been added during the reporting period;
- the number of outgoing cases that were removed during the reporting period; and
- the number of cases pending at the end of the reporting period.

Cases entered in error are not included in statistical reporting. Additionally, statistical reporting includes:

- the number of inactive cases;
- the number of cases with pro se litigants; and

- the number of cases requiring an interpreter.

The designation of a case as “inactive” is an exceptional event that is unrelated to whether or not recent action has occurred in the case; rather, it is a designation that is applied when the court is prohibited from taking action on the case due to events or circumstances that are outside of the court’s control. A domestic relations case may become inactive when a stay is issued due to a military deployment, for example. An inactive case is then counted as reactivated when the court can once again take action.

The following are counted as new case filings:

- Cases transferred to a court from another state or another judicial district within the state;
- Issues of visitation if they are *not* part of a divorce or paternity case, as in the case of grandparent visitation.
- A custody issue following a closed dependency-neglect case in which custody was ordered. This is filed as a new domestic relations case.

The following are NOT counted as new case filings:

- Cases transferred from another division within the same judicial district.

The following are counted as reopened cases:

- Issues of child support, custody, and visitation if they are part of a previously decided divorce or paternity case.

A case cannot have multiple concurrent reopenings. If a case is reopened due to a filing by one of the parties, any subsequent filings are to be included in that reopening.

### Manner of Filing

In each domestic relations case the manner by which the case arrives at the court for filing must be entered. The case may be an original filing, a reopening, a reactivation, or a transfer from another judicial district or state.

If the manner of filing is a reopening, a new case type must also be chosen. This case type may be the same as the earlier case or it may be different. For example, if a visitation issue arose in a previously decided divorce case, the manner of filing would be reopen and the case type would be visitation.

### Manner of Disposition

The manner of disposition is the manner whereby a case is closed or becomes inactive. A case is disposed when it has been closed by a judgment, a decree or order of dismissal, or a transfer to

another jurisdiction. This officially occurs when the order is entered in the clerk's office or when the order is accepted by the electronic filing system. If an order is filed in open court, it must still be filed with the clerk's office on the next business day.

In domestic relations cases, the following special notes apply:

- If two or more domestic relations cases are consolidated after filing to be processed or tried as one case, each of the cases except for the one into which the cases were consolidated should be reported as disposed at the time of consolidation, leaving only one case open. When the consolidated case is decided, the disposition should be reported under the appropriate trial type and manner of disposition category.
- A case should not be kept open in anticipation of a party returning.
- A domestic relations case with no activity may be dismissed by the court on its own motion. The manner of disposition would be dismissed.
- If a party is a pro se litigant at any point in the case, enter pro se as the party status even if the party has counsel at some point in the case.
- A juvenile DN case and a domestic custody case involving the same juvenile(s) can be consolidated into one case. The consolidated case should be of the type that best describes the nature of the case.
- Although removal to bankruptcy court is a manner of disposition, for statistical purposes these cases are considered to be inactive and appear on the inactive case list.
- A "divorce from bed and board" should be filed either as a divorce or as a separate maintenance case.

In some cases multiple trial types and manners of disposition may occur. Choose the trial type that required the most judicial involvement.

#### Trial types

Bench Trial:	A trial in which a judge hears the case. A bench trial should be noted as the disposition manner in any case in which a witness is sworn or evidence is introduced in a proceeding, regardless of whether a judgment is reached.
Non Trial:	Any type of disposition that does not involve a bench trial. Examples include dismissals, settlements, and alternative dispute resolution.

Manners of Disposition

Judgment:	A case in which an adjudication was reached on at least one of the issues involved.
Dismissal:	A case that is closed without adjudicating the claims.
Consolidated:	A case that is combined with another case.
Transferred:	A case that is transferred to another jurisdiction within the state court system.
Removed to bankruptcy court:	A case made inactive because of a filing in federal bankruptcy court and no further state court action is possible. These cases appear on the “inactive” caseload.

**Chapter 5 – Probate**

Probate cases are those involving wills, estates, trusts, guardianships, adoptions, commitment, and similar matters. Circuit courts have jurisdiction over probate matters. When a probate case is filed, Supreme Court Administrative Order Number 8 requires the attachment of a Probate Cover Sheet. A case type must be chosen on the cover sheet. When a case includes multiple causes of action, only one case type should be designated. It should be the one that best describes the nature of the case.

**Probate Case Type List**

Adoption – Probate	Decedent Estate Administration
Adult Protective Custody	Guardianship of an Adult
Alcoholic Commitment	Guardianship of a Juvenile
Ancillary Administration	Narcotic Commitment
Civil Commitment	Small Estate
Conservatorship	Trust Administration
	Probate – Other

**Probate Case Type Definitions**

Adoption – Probate:	Cases involving a request for the establishment of a new, permanent relationship of parent and child between persons not so biologically related.
Adult Protective Custody:	Protection of an individual by the state in order to protect the individual from being harmed either by himself/herself or some other person.
Alcoholic Commitment:	A type of civil commitment petition filed with the court regarding a person considered to be a danger to himself/herself or others due to his/her use of alcoholic substances.
Ancillary Administration:	The administration of a decedent's estate in a state other than the one in which they lived, for the purpose of disposing of property they owned there.
Civil Commitment:	A petition filed with the court regarding a person considered to be a danger to himself/herself or others.
Conservatorship:	Cases involving the establishment of, or a controversy over, the relation existing between a person (conservator) and another person (ward).

Decedent Estate Administration:	Cases involving: 1) the determination of whether a will is a valid instrument; 2) the statutory method of establishing its proper execution; and 3) the determination, in the absence of a will, of the disposition of the decedent's estate. It also includes court actions providing for estate administration, appointment of executors, inheritances, etc.
Guardianship of an Adult:	Cases involving the establishment of, or a controversy over, the relationship existing between a person (guardian) and an adult (ward). Note: The guardian is lawfully invested with the power and charged with the duty of caring for and managing the affairs of an adult (ward) who is considered by the court to be incapable of doing so himself/herself.
Guardianship of a Juvenile:	Cases filed in the probate division involving the establishment of, or a controversy over, the relationship existing between a person (guardian) and a juvenile (ward). Note: The guardian is lawfully invested with the power and charged with the duty of caring for and managing the affairs of the juvenile (ward) who is considered by the court to be incapable of doing so himself/herself.
Narcotic Commitment:	A type of civil commitment petition filed with the court regarding a person considered to be a danger to himself/herself or others due to his/her use of narcotics.
Small Estate:	Settlement of an uncomplicated estate with value of the property less than \$100,000 using A.C.A. § 28-41-101.
Trust Administration:	Cases involving the establishment of, or a controversy over, the legal possession of real or personal property held by one person (trustee) for the benefit of another.
Probate - Other:	Probate cases of unknown specificity, when probate cases are not attributable to one of the other previously defined probate case types.

Unit of Count and Caseload Statistics

The statistical reporting of probate cases is based upon the number of cases filed, not the number of plaintiffs, defendants, or claims. A probate case with multiple parties or multiple causes of action is counted as one case.

A probate case is considered filed when the complaint, petition, or request is received by the clerk and a case number is assigned.

The following are considered new case filings:

- Cases transferred to a court from another state or another judicial district within the state; or
- An adoption petition filed as part of a juvenile dependency-neglect (DN) case. Note that although the adoption petition is filed within the DN case, the adoption file is transferred to probate and is assigned a new probate case number once the adoption is finalized in juvenile court.

The following are NOT considered new case filings

- Cases transferred from another division within the same judicial district.
- Cases involving review of a previous case, as is typical of guardianships.

Basic statistical reporting of probate cases is designed to include:

- the number of cases that are pending at the start of a reporting period;
- the number of incoming cases that have been added during the reporting period;
- the number of outgoing cases that were removed during the reporting period;
- the number of cases pending at the end of the reporting period; and
- the number of cases closed but Set for Review.

In addition, basic statistical reporting also includes the number of cases with pro se litigants and the number of cases requiring an interpreter. Cases entered in error are not included in statistical reporting.

The caseload is also divided between those cases that are active and those that are inactive. When a case is referred by the court to any form of alternative dispute resolution, the case remains on active status.

The designation of a case as “inactive” is an exceptional event that is unrelated to whether or not recent action has occurred in the case; rather, it is a designation that is applied when the court is prohibited from taking action on the case due to events or circumstances that are outside of the court’s control. A probate case may be inactive if a stay is issued due to military duty, for example. It would then be reactivated when further court action was possible.

Special notes for probate cases:

- Guardianships arising from a juvenile dependency-neglect case will normally be filed as a juvenile guardianship. If the case is an adult guardianship or a private juvenile guardianship, it is filed as a probate case.
- Decedent Estate cases may remain open for a long period of time.
- If a party is a pro se litigant at any point in the case, enter pro se as the party status even if the party has counsel at some point in the case.

- If any party to the case will require interpreter services, enter the language that person needs in their demographic information.

### Manner of Filing

In each probate case the manner by which the case arrives at the court for filing must be entered. The case may be an original filing, a reopening of a case, a reactivation of a case, or a transfer from another circuit or state.

### Manner of Disposition

The manner of disposition is the manner whereby a case is closed or becomes inactive. A case is disposed when it has been closed by a judgment, a decree or order of dismissal, or a transfer to another jurisdiction. This officially occurs when the order is entered in the clerk's office or when the order is accepted by the electronic filing system. If an order is filed in open court, it must still be filed with the clerk's office on the next business day.

In probate cases, the following special notes apply:

- A case for which a final decree, order, or judgment is entered is considered disposed even if the case is carried as active for regularly scheduled reviews.
- In a guardianship case where annual reports are required to the court, the case is considered statistically closed but "Set for Review". The status will remain "Set for Review" until the guardianship is terminated.
- If two or more probate cases are consolidated after filing to be processed or tried as one case, each of the cases except for the one into which the cases were consolidated should be reported as disposed at the time of consolidation. When the consolidated case is decided, the disposition should be reported under the appropriate trial type and manner of disposition category.
- Small estate cases are immediately closed upon filing the affidavit and cover sheet. The trial type is non-trial and the manner of disposition is judgment.

In some cases multiple trial types may occur. Choose the trial type that required the most judicial involvement.

### Trial type

Bench Trial:

A trial in which a judge hears the case. A bench trial should be noted as the disposition manner in any case in which a witness is sworn or evidence is introduced in a proceeding, regardless of whether a judgment is reached.

Non Trial: Any type of disposition that does not involve a bench trial.

Manners of Disposition

Judgment/Order/Decree: A case in which an adjudication was reached on at least one of the issues involved.

Dismissed: A case that is closed without adjudicating the claims.

Consolidated: A case that is combined with another case.

Transferred: A case that is transferred to another jurisdiction within the state court system.

Removed to bankruptcy court: A case made inactive because of a filing in federal bankruptcy court and no further state court action is possible. These cases appear on the “inactive” caseload.

**Chapter 6 – Juvenile Cases**

Juvenile cases are those primarily relating to minors. When a Juvenile case is filed, Supreme Court Administrative Order Number 8 requires the attachment of a Juvenile Cover Sheet and the designation of the case from the following list of case types. When a complaint includes multiple causes of action, only one case type should be designated. It should be the one that best describes the nature of the case.

Juvenile Case Type List

- |                                      |                                |
|--------------------------------------|--------------------------------|
| Delinquency                          | Juvenile Civil Commitment      |
| Dependent-Neglected                  | Juvenile Custody               |
| Dependent (no fault)                 | Juvenile Guardianship          |
| Extended Juvenile Jurisdiction (EJJ) | Juvenile Support               |
| Family In Need of Services (FINS)    | Juvenile Paternity             |
| Juvenile Adoption                    | Termination of Parental Rights |

Juvenile Case Type Definitions

- |                                       |   |
|---------------------------------------|---|
| Delinquency:                          | Cases alleging an act committed by a juvenile, which, if committed by an adult, would result in prosecution in the criminal division and over which the juvenile court has been statutorily granted jurisdiction.   |
| Dependent-Neglect:                    | Dependency cases in which it is alleged that a child has been abused or neglected, or is otherwise without proper parental care. Abuse cases include physical abuse, abandonment, sexual abuse, sexual exploitation, parental unfitness, or being present in a dwelling during the manufacturing of methamphetamine. Neglect cases include acts of omission on the part of a parent, guardian, custodian, or any person legally responsible to care or provide for the juvenile as well as Garrett’s Law cases. |
| Dependent (no fault):                 | Dependency cases where the child is in need of care without specifically faulting the parent, guardian, or custodian.   |
| Extended Juvenile Jurisdiction (EJJ): | Cases where a juvenile can be designated as an EJJ offender and be subject to a criminal sentence (commonly referred to as blended sentencing).   |

Family In Need of Services (FINS): A case alleging non-criminal behavior that is an offense because of the youth’s status as a minor by law. FINS cases include truancy, running away from home, habitually disobeying the lawful commands of parents, guardians, or custodians, and delinquent acts if committed by a juvenile under the age of 10.

The following case types are new filings, but occur as a reopening of a DN case.

Juvenile Adoption: A request as a result of the termination of parental rights of the biological parents for the establishment of a new, permanent relationship of parent and child between persons not so biologically related.

Termination of Parental Rights: Petition to sever the legal parent-child relationship based on the child’s best interest and statutory grounds.

The following case types are new filings, but usually occur as a reopening of a DN, FINS, or delinquency case.

Juvenile Civil Commitment: A petition filed with the court where a person is considered to be a danger to himself/herself or others.

Juvenile Custody: Cases in which an individual requests that a court make a determination regarding the control or care of a child.

Juvenile Guardianship: Cases involving the establishment of or a controversy over the relationship existing between a person (guardian) and a ward or juvenile. Note: The guardian is lawfully invested with the power and charged with the duty of caring for and managing the affairs of the juvenile (ward) who is considered by the court to be incapable of caring for himself/herself.

Juvenile Paternity: Cases involving the establishment of the identity and/or responsibilities of the father of a minor child.

Juvenile Support: Cases in which an individual requests that a court make a determination regarding funds or means to maintain or provide for a child.

Unit of Count and Caseload Statistics

The statistical reporting of juvenile cases is based upon the type of case filed. A juvenile case is considered filed when it is received by the clerk and a case number is assigned.

- A delinquency or EJJ case with multiple juveniles will be counted separately for each juvenile.
- Multiple charges in a single incident count as one delinquency or EJJ case.
- In a FINS or dependent-neglect case, all siblings who are subjects of the petition are in a single case, though statistically will be counted individually.

The following are counted as new case filings:

- A case transferred to a court from another state or another judicial district within the state;
- A case transferred from the criminal division to the juvenile division;
- A FINS case that results in a petition for DN requires a new filing and is counted as a new case.
- If a delinquency petition is filed for a juvenile involved in a FINS case, the delinquency is a new filing and is counted as a new case.

The following are NOT considered new case filings:

- A case transferred from another division within the same judicial district, except for those transferred from criminal court to juvenile court (or vice versa).

The following is considered a reopening of a case:

- A probation revocation or aftercare violation in a delinquency case or a contempt that arises from any previous juvenile case. The reopened case type is the same as the original case.
- New allegations of abuse or neglect in a closed dependency-neglect case.
- A TPR petition filed as part of a DN case is counted statistically as a reopening, even though the TPR is part of an active DN case and keeps its DN case number.
- A guardianship, custody/support, paternity, or other petition filed as part of juvenile case is statistically counted as a new case even though it may be filed in a juvenile case with the same case number.
- An adoption petition filed as part of a DN case is filed within the DN case, but once the adoption is finalized, the adoption file is transferred to probate and is assigned a new probate case number. It is counted as a new probate case.

An EJJ case opened in the criminal division for imposition of an adult sentence is counted as a new case in the criminal division.

The caseload is also divided between active and inactive cases. The designation of a case as “inactive” is an exceptional event that is unrelated to whether or not recent action has occurred in the case; rather, it is a designation that is applied when the court is prohibited from taking action on the case due to events or circumstances outside of the court’s control. A juvenile case may be

considered inactive if the court has ordered a fitness to proceed examination or a criminal responsibility evaluation of a juvenile in a delinquency or EJJ case. If a juvenile is found not fit to proceed then the case may either:

- remain on inactive status (if fitness may be restored in the future), or
- close if there is no expectation of the restoration of fitness.

A juvenile case is considered disposed as of the adjudication/disposition date (or disposition date if held separately). For statistical purposes, the date of the disposition is defined as the date the judgment is entered. In DN cases further review and court action is required until permanency is achieved. These cases should be marked as Set for Review. This counts the case as disposed for statistical purposes, but acknowledges that further court action is scheduled and allows for an accurate reflection of the work of the court.

Special notes for juvenile cases:

- A case referred by the court to Alternative Dispute Resolution (ADR) is counted as an active case.
- A case referred to a Juvenile Drug Court or other specialty court is counted according to the legal issue that brought the case to court.
- If a custody issue arises after a DN case is completely closed and there is not a new DN petition, it should be filed as a new case in domestic relations.
- Diversion programs, including teen court, are not counted in caseload statistics.
- If a party is a pro se litigant at any point in the case, enter pro se as the party status even if the party has counsel at some point in the case.
- If any party to the case will require interpreter services, enter the language that person needs.

#### Manner of Filing

In each juvenile case the manner by which the case arrives at the court for filing must be entered. The case may be an original filing, a reopening of a case, a reactivation, a transfer from another circuit, or a transfer from criminal division (EJJ or delinquency).

#### Manner of Disposition

The manner of disposition is the manner whereby a case is closed or becomes inactive. A case is disposed when it has been closed by a judgment, a decree or order of dismissal, or a transfer to another jurisdiction. This officially occurs when the order is entered in the clerk's office or when the order is accepted by the electronic filing system. If an order is filed in open court, it must still be filed with the clerk's office on the next business day.

In juvenile cases, the following special notes apply:

- A case for which an adjudication and disposition is entered is considered disposed even if the case is Set for Review because further legal action is required.
- If two or more juvenile delinquency cases involving the same juvenile are consolidated after filing to be processed or tried as one case, each of the cases except for the one into which the cases were consolidated should be reported as disposed at the time of consolidation. When the consolidated case is decided, the disposition should be reported under the appropriate trial type and manner of disposition category.
- A DN case and a domestic custody case involving the same juvenile(s) can be consolidated into one case. The consolidated case should be of the type that best describes the nature of the case.
- If a DN petition is filed regarding a juvenile in a FINS case, the FINS case should be closed.
- A delinquency case is counted as disposed even if restitution or fines are owed.
- A charge in a case filed as an EJJ case may be disposed as either found delinquent or found delinquent as an EJJ offender.

In some cases multiple trial types may occur. Choose the trial type which required the most judicial involvement.

Trial type

Jury Trial:	A trial in which a jury is impaneled to determine the issues of fact in a case. A jury trial should be noted as the disposition manner if the jury has been sworn, regardless of whether a jury verdict is reached. In juvenile cases, this is a trial type only available for EJJ cases.
Bench Trial:	A trial in which a judge hears the case. A bench trial should be noted as the disposition manner in any case in which a witness is sworn or evidence is introduced in a proceeding, regardless of whether a judgment is reached.
Non Trial:	Any type of disposition that does not involve a bench trial, jury trial, or plea. Examples include dismissals or Nolle prosequi.
Plea:	A case in which the juvenile and the prosecutor agree to an adjudication or adjudication/disposition, subject to approval by the judge (Delinquency or EJJ).

Stipulation: A case in which the parties agree to the facts, subject to approval by the judge (Dependency-Neglect or FINS).

Manners of Disposition

If a FINS case involves more than one area, choose the predominant issue in the case. If a delinquency case has multiple charges, each must be disposed.

Manner of Disposition	Description	Relevant Case Type
Adjudicated Delinquent:	A charge for which the juvenile was found responsible for the offense.	Delinquency
Adjudicated Delinquent as an EJJ offender:	A charge for which the juvenile was found responsible for the offense as an EJJ offender.	EJJ
Adjudicated EJJ:	A charge for which the juvenile was found responsible for the offense as an extended juvenile jurisdiction offender.	EJJ
Adult sentence imposed:	A case in which an adult sentence is imposed on a juvenile as an extended juvenile jurisdiction offender.	EJJ
Consolidated:	A case closed because it was combined with another case involving the same juvenile(s).	All juvenile case types
Dismissed:	A charge which is disposed either without adjudicating the claim(s) or because the juvenile was not found responsible for the offense in a delinquency or EJJ case.	Delinquency EJJ
Found Dependent:	A case in which a juvenile has been found to be without proper parental care without assigning fault.	Dependency DN
Found Dependent Neglected:	A case in which a juvenile has been found to be abused or neglected, or is otherwise without proper parental care.	DN
Found FINS Disobedient to Parent:	A case in which a juvenile or family is found to be in need of services as a result of the juvenile being habitually disobedient to the lawful commands of the parent.	FINS

Found FINS Runaway:	A case in which a juvenile or family is found to be in need of services because the juvenile has been absent from the home without sufficient cause, permission, or justification.	FINS
Found FINS Truancy:	A case in which a juvenile or family is found to be in need of services as a result of the juvenile being habitually absent from school without justification.	FINS
Found Not Competent	A case dismissed as the juvenile was not competent at the time of the offense.	Delinquency EJJ
Found Not Fit	A case dismissed or on inactive status as the juvenile was not fit to participate in the adjudication.	Delinquency EJJ
Nolle Prosequi:	A charge dismissed by the prosecutor with the permission of the court.	Delinquency EJJ
Petition denied:	A case in which the court denies a petition.	DN, FINS, EJJ
Petition granted:	A case in which the court grants a petition	DN, FINS, EJJ
Probation Revoked:	A case in which juvenile probation was revoked.	Delinquency EJJ
Transferred:	A case transferred to another jurisdiction.	All juvenile case types
Violation of aftercare:	A case in which the juvenile violated the terms of the aftercare plan subsequent to release from the Division of Youth Services.	Delinquency EJJ