

STATE OF MICHIGAN IN THE SIXTH JUDICIAL CIRCUIT COURT	FAMILY COURT PLAN FOR THE SIXTH JUDICIAL CIRCUIT COURT	ADMINISTRATIVE ORDER 2011-03
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This amended Family Court Plan supersedes the July, 2003 plan for the Sixth Judicial Circuit (Oakland County). Upon approval by the State Court Administrator, this plan shall control operations within the Family Division. It represents agreement by the Chief Probate Judge and the Chief Circuit Judge for the Oakland County Probate and Circuit Courts. This plan comports with MCL 600.1001-1043 and A.O. 2003-2 of the Michigan Supreme Court.

I. GENERAL

A. Judicial Leadership

The Chief Circuit Judge has supervisory authority over the administration of the Family Division. Upon consultation with the judges of the division, the Chief Circuit Judge shall appoint a presiding judge of the Family Division, who shall fulfill such functions as the Chief Circuit Judge assigns pursuant to MCR 8.110(B)(2).

Policy decisions on all Family Division matters shall be made by the judges of the Family Division, subject to the approval of the Chief Circuit Judge.

B. Administration

The Chief Circuit Judge may delegate administrative responsibilities to the Circuit Court Administrator or others, as provided in MCR 8.110(C)(6).

II. JUDICIAL SERVICE

A. Judicial Resources.

The Family Division shall be comprised of a sufficient number of Circuit and Probate judges, as determined by the Chief Circuit Judge, to meet the workload of the division. The names of the judges assigned to the Family Division, which may vary from time to time, are listed in Attachment I. Assignment of Circuit Judges to the Family Division shall be made by the Chief Circuit Judge. Assignment of Probate Judges to the Family Division shall be made by the Chief Probate Judge subject to the approval of the Chief Circuit Judge.

B. Term of Service.

The term of service of a judge in the Family Division will be six years. The Chief Circuit Judge shall have the authority and flexibility, after consultation with the Chief Probate Judge, to modify the duration of a judge's service pursuant to this plan, in furtherance of the goal that judges of

the Family Division will have sufficient judicial expertise in Family Division matters. The Chief Circuit Judge and Chief Probate Judge will consult regarding any modification of a Probate judge's service, with the understanding that the Chief Probate Judge is responsible for the caseload management of the Probate Court.

If a Circuit Judge elects not to stay in the Family Division after the completion of the term, he or she shall notify the Presiding Judge by July 1 of the final year of his/her term. The Presiding Judge shall notify the Chief Circuit Judge.

C. Filling of Vacancies.

Vacancies in the Family Division shall be filled as follows:

1. Judges may volunteer to serve in the Family Division. Volunteers will be selected by seniority from the pool of available judges.
2. If no judges volunteer, the Chief Circuit Judge shall poll the other Circuit judges to determine interest. Likewise, the Chief Probate Judge shall poll the other Probate judges to determine interest.
3. If after polling the Circuit judges there are still no volunteers, the Chief Circuit Judge will select Circuit judges to serve in the Family Division, in reverse seniority order. Judges who have previously served or are presently serving in the Family Division are exempt from this provision.

If after polling the Probate judges there are no volunteers, the Chief Probate Judge will select Probate judges to serve in the Family Division in reverse seniority order.

4. This methodology shall be used to fill vacancies unless the Chief Circuit Judge, after consultation with the Chief Probate Judge, determines that it is not in the best interest of the division, or other good cause exists not to use this method of filling vacancies.

D. Completion of pending cases upon entry to or exit from the Family Division; Reassignment of Open Cases.

1. Judges leaving the Family Division shall complete all pending motions, trials, and dispositions (*i.e.*, where one or more issues have not been adjudicated or have a final judgment or order entered or initial disposition has not been completed). Subject to chief judge approval, a judge may select to keep a case or cases that are included in those to be reassigned. Any disputes about the responsibility for cases will be resolved by the Chief Circuit Judge. All other open cases¹ on the departing judge's docket (where the court continues to exercise supervision) will be assigned to the incoming judge or other judges in the Family Division. The Chief Circuit Judge may adjust dockets in accordance with MCR 8.110.

¹ An 'open' case is one on which the court *may* exercise its jurisdiction over the parties, including reviews of guardianships or juvenile proceedings, or post-judgment domestic relations matters where minor children have not emancipated or the case is otherwise closed.

2. Judges selected to serve in the Family Division who have pending non-Family Division cases will complete any in-progress trials, hearings or decide any matters under advisement. Upon completion, the judge will notify the Chief Judge of Probate or the Chief Circuit Judge to request reassignment of the case. The chief judge may adjust dockets in accordance with MCR 8.110.

3. A judge entering the Family Division shall assume the docket of the judge he/she replaces; similarly a Family Division judge moving to another division of the Circuit Court or to the Probate Court shall assume the docket of the judge he/she replaces. The respective Chief Judge may adjust dockets in accordance with MCR 8.110.

III. CASEFLOW MANAGEMENT

A. Generalized Dockets

1. Each Family Division judge will hear and decide all aspects of the cases within the subject matter jurisdiction of the court. Family Division cases will be divided among the judges.

2. To the extent practicable, all matters within the jurisdiction of the Family Division involving a family² will be assigned to the same judge.

² *Family* means ‘spouse or persons having one or more minor children in common and the minor children of both of them, whether or not living in the same household, or individuals not otherwise defined and living in the same household who are subject to a Personal Protection Order.’

Whenever a new case is filed, the responsible clerk will determine whether a prior action is pending or open which involves a member of the same family.

3. The Family Division will make full use of Referees as allowed by Statute and Court Rule. Referees will be assigned to cases pursuant to MCR 3.215 and MCR 3.913. Referees may be assigned to any matter within the Family Division jurisdiction, unless the Referee hearing is prohibited by law.

B. Case Assignment

1. Family Division cases initiated in the County Clerk's office will be assigned to a Family Division judge on a random basis, pursuant to MCR 8.111, except as set forth herein.

2. The Probate Register shall assign petitions for guardianship of minors to Probate judges, unless ancillary, in which instance they will be assigned to the Family Division judge having the principal matter.

3. Petitions for Personal Protection orders shall be assigned only to the Circuit Judges in the Family Division, unless ancillary, in which instance they will be assigned to the judge having the principal matter.

4. Petitions under the Mental Health Code shall be assigned only to Probate judges, unless ancillary to a Family Division matter in which

instance it may be assigned to the Family Division judge having the principal matter.

C. Emergencies

On a rotating basis, each Family Division judge shall serve as duty judge for a period of seven calendar days beginning on Monday and ending on Sunday. During his/her assigned week, the duty judge may hear the following matters:

1. Requests for issuance of personal protection orders when the assigned judge is unavailable. Unavailable means the assigned judge is not in the building;

2. Requests for ex parte relief when the assigned judge is unavailable;

3. Motions for entry of default or consent judgments of divorce when the assigned judge is unavailable.

4. Requests for Order to Transport (for mental health evaluation);

5. Other emergencies³

IV. RECORDS MANAGEMENT

A. Point of Filing

The County Clerk is the Clerk of the Court for the Circuit Court. The Probate Register is the Clerk of the Court for the Probate Court.

³ Emergencies on matters not otherwise within the designated authority of the Family Division will be handled by the general jurisdiction circuit judges or probate judges.

Except as delineated below, matters within the subject matter jurisdiction of the Family Division and identified by case type codes listed in the Michigan Supreme Court Case File Management Standard Component 39 will be filed with the County Clerk.

1. Petitions to commence proceedings under the juvenile code in child protective, delinquency, status offender and designated proceedings will not be filed until a judge or referee has authorized the filing of the petition. Until filing of the petition is authorized, these matters will be considered confidential files and will be handled pursuant to the Juvenile Diversion Act, MCL 722.821 *et seq.*⁴
2. Minor guardianship petitions will be filed with the probate court, as jurisdiction for these matters is only ancillary in the Family Division. Additionally, other ancillary matters described in MCL 600.1021 will be filed in the probate court.
3. Adoption petitions will be filed in the adoption unit of the Family Division, although records and receipts of adoption petition filings will be maintained by the County Clerk. MCL 710.21 *et seq.* Case files will be maintained by the Family Division until a final order is entered. At that time, all legal records within the case file will be

⁴ This statement clarifies that those complaints and petitions which the court declines to authorize will remain confidential. Only those petitions which the court authorizes filing with the county clerk will be public record.

under the custodianship of the County Clerk. Confidential records will be maintained by the Family Division.

4. Mental health petitions do not come within the jurisdiction of the Family Division except as ancillary proceedings. Petitions will be filed in Probate Court.
5. Waiver of parental consent for abortion cases will be filed with court administration.
6. Youth Assistance records are diversion files.
7. Juvenile traffic citations will be maintained by juvenile intake.

B. Confidentiality of Records.

The court may, by administrative order, define those records which it deems to be confidential, and establish procedures for access, inspection and copying of confidential records.

C. County Clerk's participation.

The County Clerk has been afforded the opportunity to participate in the plan for the management of court records.

V. JUDICIAL AND STAFF TRAINING

A. Orientation

Upon entering the Family Division, a judge and his or her staff members shall be offered an orientation that will review policy and

procedures that exist. Court staff and stakeholders may be utilized to provide this orientation.

B. Continuing Education

All jurists and court staff shall meet continuing educational requirements necessary to maintain their competency in their specialty and to aid in their development. Consistent with financial limitations, the court will encourage staff to aggressively pursue these educational opportunities.

C. Michigan Judicial Institute Training

Court staff and judges of the Family Division shall avail themselves of training opportunities from the Michigan Judicial Institute consistent with the goal of developing sufficient expertise in the subject matters within the jurisdiction of the Family Division.

D. Contractor or Appointee Training

The court may require individuals who enter into service contracts or attorneys who accept appointments from the Family Division to have training in court procedures and practices and to complete court-sponsored training as a condition precedent to court-appointed or contractual work.

VI. COORDINATION OF SERVICES

A. Coordination of Services

The Family Division's creation presented exciting and challenging opportunities to improve and expand upon a well-respected and diversified service delivery system. Since the implementation of the family plan, advances have been made in integrating services, sharing information, and cross-service planning. Examples include:

1. Creation of the QUAD Agency committee, including representatives from the court, DHS, the Oakland County Prosecutor's office, and the Friend of the Court. This committee meets regularly to address common issues, resolve difficulties in area such as procedures, and creatively improve services.
2. Increased sharing of reports and information between FOC family counselors, the psychological clinic, and juvenile caseworkers.
3. Emphasis on use of County's intranet for sharing of documents, and communication between multiple individuals.
4. Creation of Data Tech Unit to evaluate, develop and implement technological solutions to increase communication between the various service units.

5. Reviewed and updated the Local Administrative Order regarding access to confidential records to ensure that necessary service units had access to appropriate information.

6. Participated in implementation of touch screen information kiosks for use by members of the public who are accessing the courthouse.

7. Increased coordination between administration of Circuit and Probate Courts to address issues of public access to services, procedures and sharing of information.

8. Consolidated multiple service units of the Circuit and Probate courts to serve both courts, reducing duplication and unifying procedures.

B. Collaboration with Stakeholders

Since its inception, the Family Division has emphasized and expanded collaborative efforts with its stakeholders across all services. Emphasis has remained on increasing communication and coordination of services, with the goal of providing comprehensive, timely, and appropriate assistance to the families the court was established to serve.

Collaboration has occurred between the court and the Oakland County Executive Departments of Human Resources, Management and Budget, Information Technology, Facilities, Community Corrections, Circuit Court Probation, and Health and Human Services; the Oakland County Board of

Commissioners; the Oakland County Clerk's Office; the Oakland County Prosecuting Attorney; the Department of Human Services; the Oakland County Sheriff's Department; the Oakland County Bar Association; the American Academy of Matrimonial Lawyers; Oakland Mediation Center; Citizens Alliance for the Oakland County Probate and Circuit Courts; the Oakland County Bar Foundation; and HAVEN.

VII. MISCELLANEOUS PROVISIONS

A. Review and Revision

This plan shall be reviewed periodically by the Family Division judges and appropriate court personnel. Revisions shall be made as necessary to ensure that the plan continues to best serve the variety of needs it was designed to meet.

ATTACHMENT I

Oakland County Judges Assigned to Family Division

Judge Mary Ellen Brennan (Circuit)

Judge Lisa Gorcyca (Circuit)

Judge Linda S. Hallmark (Probate)

Judge Cheryl A. Matthews (Circuit)

Judge Elizabeth Pezzetti (Probate)

Judge Edward Sosnick (Circuit)

Judge Joan E. Young (Circuit)

(Rev. 6-7-11)