

STATE OF MICHIGAN 7 TH JUDICIAL CIRCUIT GENESEE COUNTY PROBATE COURT	FAMILY COURT PLAN	JOINT LOCAL ADMINISTRATIVE ORDER 2006-8J 2006-5J
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7th Judicial Circuit Court and Genesee County Probate Court, 900 S. Saginaw St., Flint, MI 48502, (810) 424-4355

The following Family Court Plan is hereby authorized and supersedes prior plans that have been approved for the operation of the Family Division. The previous plans, filed under Joint Local Administrative Orders 2003-10J, 2003-8J (Probate), 2004-1J, 2004-1J (Probate) and 2004-17J, 2004-11J (Probate), 2005-9J, 2005-4J (Probate) are hereby rescinded.

INTRODUCTION

This plan for the operation of the Family Division of the Seventh Judicial Circuit Court supersedes all other plans for operation, as required by Public Act 682 of 2002 and Michigan Supreme Court Administrative Order 2003-2. The purpose of this plan is to continue to provide quality services to families and other individuals who come before the Court. The Chief Judges of the Probate and Circuit Courts have reviewed the plan and received input from their respective benches. The County Clerk has been provided an opportunity for review and comment.

The Family Court Plan is a successor to the Family Division Implementation Plan that was developed in 1997 by the Chief Judges of the Circuit and Probate Courts, the Honorable Robert M. Ransom and the Honorable Allen J. Nelson, along with members of the administrative and support staff. The State Court Administrative Office approved the Family Division Implementation Plan on June 19, 1997. It was implemented on January 1, 1998 and has been in effect since that time. The Court has amended the original plan on six occasions: October of 1999, December of 1999, January of 2003, January of 2004, December of 2004, and December of 2005. The State Court Administrative Office approved each amendment.

Judicial Administration.

1. The *Chief Judge of the Circuit Court* will have supervisory authority over the Family Division and all the duties and powers set forth in MCR 8.110.
2. Administrative Structure.
 - a. Staff and Services.

- 1) The Chief Judge of the Circuit Court shall appoint a Family Division Administrator pursuant to MCR 8.110(C) (6).

b. Supervision.

- 1) The *Circuit Court Administrator* is designated as the family division administrator. Authority shall be delegated to other administrative staff as set forth below.

- (2) The Circuit Court Administrator shall delegate authority to the Deputy Circuit Court Administrator, Probate Court Administrator/Register, Director of Casework Services and Court Technology Coordinator in the following areas:

1. The *Deputy Circuit Court Administrator* shall have supervisory authority over continuing legal education related issues in the Family Division. The Deputy Circuit Court Administrator will also serve as the ADR Clerk for the Family Division.

2. The *Court Administrator/Register of the Probate Court* shall have supervisory authority over Labor/Employee Relations matters in the Juvenile Records Unit of the Family Division. By specific agreement with the Chief Probate Court Judge, the responsibilities must not exceed 4 hours per week.

3. The *Director of Casework Services* shall have supervisory authority over the Juvenile Probation Unit and will be liaison to the Family Division bench on family division matters, to include delinquency and child protective proceedings.

4. The *Court Technology Coordinator* shall have supervisory authority over all technical equipment matters in the Family Division, including computer and video recording equipment.

- 3) The *Friend of the Court* shall have supervisory authority over all matters related to that office, Family Division Referees and provide assistance to the Court on domestic relations issues.

c. Budget.

A coordinated budget for Circuit Court will be prepared. The Chief Judge of the Circuit Court will have responsibility for the total coordinated budget. The *Financial Services Division Supervisor* shall be responsible for preparation of the annual budget.

The Financial Services Division will continue to pursue the collection of court ordered obligations. Further, the newly established position of *collections coordinator* will establish protocols to enhance the collection of court imposed obligations for all divisions of the court.

d. Organizational Chart.

An organizational chart reflecting the structure described above is attached. The chart should not be considered as complete at this time, but indicative of the most critical components of organizational structure. The organizational chart does not reflect the appointment powers of the Chief Judge, but is designed to illustrate lines of supervision and oversight.

3. Presiding Judge.

The Chief Judge of the Circuit Court shall appoint a Presiding Judge of the Family Division, in consultation with the Judges serving in the Family Division. The Presiding Judge shall collaborate to provide for effective administration of the Family Division, including budget preparation.

4. Judicial Assignments.

The Chief Judge shall have the authority and flexibility to determine the duration of judicial service in the Family Division. Judicial service in the Family Division shall be consistent with the goal of developing judicial expertise in family law.

A full time Referee shall be assigned to each Family Division judge. The Referee shall work under the supervision of the Friend of the Court and the Presiding Judge of the Family Division. The Referees shall be cross-trained to handle both domestic and juvenile matters.

Judicial Service and Case Assignments.

1. Five judges will serve full time in the Family Division of the Circuit Court, when practicable and where sufficient caseload and judicial resources exist. Probate judges serving in the Family Division shall have the same power and authority as Circuit Judges in Family Division matters.
 - a. Chief Probate Judge Robert E. Weiss shall serve in the Family Division on a full time basis. Probate Judge Jennie E. Barkey shall serve in the Family Division on Petitions for Waiver of Parental Consent, Adoption Proceedings and Designation Hearings in Juvenile Delinquent matters.
 - b. Circuit Judges Duncan M. Beagle, John A. Gadola, David M. Newblatt and Michael J. Theile shall serve in the Family Division on a full time basis.
 - c. The Chief Judge of the Probate Court will select one judge to serve full time in the Family Division. The Chief Judge of the Circuit Court will select four full-time judges to serve in the Family Division. The chief judges will consult with the members of their respective benches on this matter.
 - d. If a Circuit Court vacancy occurs in the Family Division, the Chief Judge of the Circuit Court shall select a Circuit Judge to fill the vacancy. If a Probate Court vacancy occurs in the Family Division, the Chief Probate Judge shall select the Probate Judge to fill the vacancy.
 - e. Probate Judge Jennie E. Barkey will be subject to a cross-assignment to the Circuit Court to confer jurisdiction to preside over the matters set forth above in 1(a), other family division matters for which judicial assistance is required, and ancillary civil matters.

Caseflow Management.

1. Assignment of cases.

All new case assignments, except as otherwise stated, will be random, by lot, in accordance with MCR 8.111(B). When a *matter* within the jurisdiction of the Family Division is filed, and a *matter involving the same family is pending before the Family Division*, the new case will be assigned to

the Judge to whom the pending matter is assigned. Pursuant to Local Administrative Order 2001-4, the Criminal/Civil Division Judges will be assigned to all non-domestic PPO petitions. Assignments within the division will be random, by lot, in accordance with MCR 8.111 (B).

Reassignment of cases shall be in accordance with MCR 8.111(D).

If a judge in the Family Division is disqualified on a particular matter, an alternate judge from the division will be selected by lot. Should all Family Division judges be disqualified, the matter will be referred to the Criminal/Civil Division judges for assignment by lot.

2. Mental Commitment Proceedings and Minor Guardianships.
 - a. The judges of the Family Division will be available to hear emergency mental health matters, conduct required mental illness hearings and preside over minor guardianship petitions. However, Probate Judge Jennie E. Barkey is primarily designated to preside over these matters.
 - b. The *Probate Court Administrator/Register* is designated as the administrative staff to contact regarding matters related to mental commitment proceedings.
3. Assignment of Cases other than by Lot.
 - a. Personal Protection Orders will be assigned to Family Division judges on the following basis:
 - 1) A petition requesting a Personal Protection Order where the respondent and petitioner both have a domestic matter will be referred to the judge who is assigned the domestic matter.
 - 2) If the respondent and petitioner do not have a pending domestic case, the matter will be assigned to the Family Division judge who has a personal protection order or orders pending with the same respondent; and
 - 3) All other petitions will be assigned by lot.

The Clerk of the Court shall indicate on each petition for a personal protection order which of the criteria stated in this order is used in making the judicial assignment.

- b. The District Court judges will be assigned to all juvenile civil infractions.
4. Transfer of Cases to Family Division Judges.
- a. If a judge should leave the Family Division because of the end of the judge's term, and be assigned to serve in either the Probate Court or the Criminal/Civil Division, that Judge's cases shall be transferred to the Family Division judge coming to the bench, or in the case of a reduction in size of the Family Division bench, cases will be distributed by random assignment to the remaining Family Division judges.
 - b. All cases will be assigned according to a "one judge/one family" concept, except as set forth above in sections 2 and 3.

Records Management.

1. Filings.
- a. Domestic filings shall be completed at the Office of the Genesee County Clerk, 2nd floor, Genesee County Courthouse.
 - b. Juvenile filings shall be completed at the Family Division, Juvenile Records Office, 1st floor, Genesee County Courthouse.

2. Designation of a "Central Access Point."

The Information Desk, Office of the Genesee County Clerk and Law Library staff will provide information to the public and attorneys regarding access to the court and court-related activity.

The Central Access Point, for purposes of this plan, is designated as the Law Library. Information such as where to file documents, records access and scheduling information will be available.

Court records are available through the Internet at www.co.genesee.mi.us/clerk/index.htm.

3. The Genesee County Board of Commissioners is responsible for the operation of the Genesee County Regional Detention Center. Mr. Fred Woelmer is the Director of the Center.

Facilities and Records Retention.

Genesee County completed a multi-year construction and restoration project. All Probate and Circuit Court Judges are located in the same facility.

Minor Guardianship and Involuntary Commitment records are located at the Probate Court - Estate and Mental Health Division. All other records related to the operation of the Family Division are located with the Genesee County Clerk and the Juvenile Records Section of the Court. No further modifications to the current arrangement are contemplated.

Review Process.

1. The plan will be periodically reviewed and revised as necessary, by the Chief Judges of the Circuit and Probate Courts. The following schedule has been adopted:
 - a. January 1, 2007 July 1, 2007
 January 1, 2008 July 1, 2008
 - b. Any change in the plan must occur at the time of review and is subject to the agreement of the Chief Judge of the Circuit Court, the Chief Judge of the Probate Court, and the Chief Judge Pro-Tem of the Family Division.
 - c. Review criteria.

The review process will include a comprehensive analysis of judicial resources, case management, caseloads of all judges and administrative concerns relative to a full range of court operations.

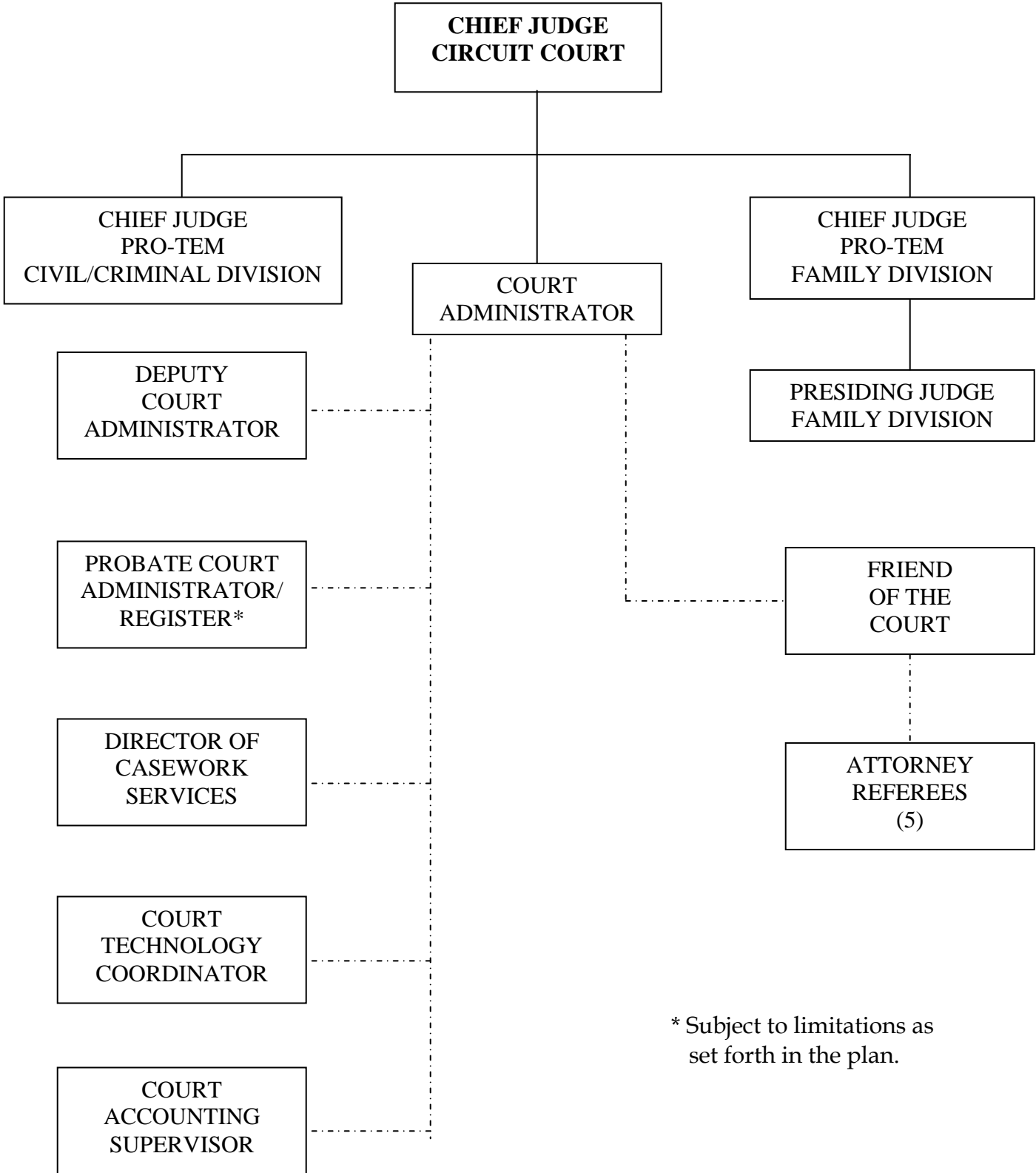
Archie L. Hayman, Chief Judge
7th Judicial Circuit Court

Robert E. Weiss, Chief Judge
Genesee County Probate Court

Dated: _____

Dated: _____

Organizational Chart



* Subject to limitations as set forth in the plan.