

Circuit Court Joint Local Administrative Order #2006-8J and Probate Court Joint Local Administrative Order 2006-5J are hereby rescinded.

IT IS ORDERED:

The following Family Court Plan is adopted by the 7th Judicial Circuit Court and Genesee County Probate Court. This plan comports with MCL 600.1001-600.1043 and Michigan Supreme Court Administrative Order 2003-2.

I. GENERAL

a. Judicial Leadership

- i. The Chief Judge of the Circuit Court has supervisory authority over the administration of the Family Division.
- ii. The Chief Judge shall appoint a Presiding Judge of the Family Division, after consulting with the judges serving in the Family Division, who shall fulfill such functions as the Chief Judge assigns pursuant to MCR 8.110(8)(2).

b. Administration

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

II. JUDICIAL SERVICE

- a. The Chief Judge has the authority and flexibility to determine the duration of judicial service in the Family Division, pursuant to MCL 600.1011(3).
- b. The Family Division shall be comprised of a sufficient number of Circuit and Probate Judges, as determined by the Chief 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 Exhibit A.
- c. Assignment to the Family Division shall be made by the Chief Judge in furtherance of the goal that judges of the Family Division will have sufficient judicial expertise in Family Division matters.
- d. The judges serve full-time in the Family Division when practicable and where sufficient caseload and judicial resources exist.

III. CASEFLOW MANAGEMENT

a. General

- i. Each Family Division Judge will hear and decide all aspects of the cases within the jurisdiction of the Family Division. Cases will be assigned consistent with an approved case assignment local administrative order.
- ii. To the extent practicable, all matters within the jurisdiction of the Family Division involving a family will be assigned to the same judge to further the concept of "one judge-one family,"
- iii. MCL 600.1021; MCL 600.1023.
- iv. For purposes of this plan a "family" includes individuals who are related as husband or wife, parent, stepparent, guardian, child or sibling. An action may still be deemed to involve a "family" even when an unrelated individual is involved as a complainant or a party.
- v. The Family Division will make full use of Referees as allowed by Statute and Court Rule. Referees will be assigned pursuant to MCR 3.215 and MCR 3.913. Referees may be assigned to any matter within the Family Division jurisdiction, unless a Referee hearing is prohibited by law.
- vi. The plan will be reviewed and revised periodically, as necessary, by the chief circuit and probate judge(s), [MCL 600.1011(7)].

b. Assignment of Cases

- i. Assignment shall occur at the time the case is filed unless otherwise provided by court rule, administrative order or written directive of the Chief Judge. Family Division cases will be assigned to a Family Division Judge on a random basis pursuant to MCR 8.111, except as set forth herein. The cases will be assigned evenly by lot among the Family Division judges.
- ii. When a matter within the jurisdiction of the Family Division is filed, and a matter involving the same family is pending in the Family Division, the new case will be assigned to the judge assigned to the pending matter.
- iii. Pending with respect to the preceding paragraph includes any domestic action, including post judgment filings, that are awaiting a judicial determination.
- iv. If a neglect or delinquency petition is filed and there is no previously filed and pending neglect or delinquency petition, a judge who was assigned to a previous petition that has been closed for 60 months or less, will be assigned to the new petition.

- v. If it appears to any two judges that the interests of justice would be better served by reassignment of any case, and in accordance with the legislative intent expressed in 1996, PA388 (i.e., "one family, one judge") any case may be reassigned from one judge to another with their consent and the approval of the Chief Judge.
- vi. If a pending domestic matter and a juvenile matter are assigned to different judges, the judges shall confer to determine if it is in the best interest of the parties that one judge be assigned to both cases.
- vii. If only one codefendant has a judge previously assigned, all codefendant cases will be assigned to that judge. If no codefendant had a previously assigned judge, there will be one blind draw and all codefendant cases will be assigned to that judge.
- viii. When there are two or more codefendants with judges previously assigned, all codefendant cases will be assigned to the judge with the oldest case which had activity in the past two years.

c. Mental Commitment Proceedings

- i. The presiding probate judge is primarily designated to preside over petitions for mental health treatment. The probate judge assigned to the Family Division shall be the first option to preside over emergency mental health matters in the absence of the presiding probate judge. Other Family Division Judges may be required to preside, in the absence of both probate judges.

d. Minor Guardianships

- i. Petitions regarding the appointment of a guardian for a minor (case types GM and LG) will be filed with the probate court. Intake review will be performed by the probate court clerk to determine if there is a pending Family Division matter to which the minor guardianship petition would be considered *ancillary*.
 - 1. If the proposed filing is ancillary to a pending matter assigned to a currently serving Family Division Judge, the minor guardianship petition will be assigned to that judge. Probate Court clerical staff will communicate with the office of the assigned judge with respect to party notifications and scheduling.
 - 2. If the minor guardianship petition does not have an ancillary connection, as defined in the above paragraph, the filing will be assigned to the Probate Judge assigned to serve in the Family Division. Probate Court clerical staff will communicate with the office of the assigned judge with respect to party notifications and scheduling.

- ii. Any questions with respect to the assignment of minor guardship filings, shall be

brought to the attention of the Presiding Judge of Family Division for review and determination.

iii. Ancillary Determination:

1. For domestic matters (i.e., DC, DM, DO, DP, DS, DZ, PP case types), an ancillary case is defined as a current case involving the family or family members of the minor.
2. For juvenile matters (i.e., DL, NA case types), an ancillary case is defined as a current active/open case involving the minor.

e. Domestic Cases

- i. Prior Action - When a search for a prior action discloses an existing case, the new filing will be assigned to the same judge. If the search for a prior action discloses more than one prior judge assignment, the case will be assigned to the judge with the oldest case. The search for a prior action includes the records of domestic relation cases and juvenile cases.
- ii. Name changes are assigned randomly unless the requested change is on behalf of a minor and/or there is a prior domestic matter involving one of the parents.

f. Personal Protection Order Cases

- i. A Personal Protection Order case is assigned to the Family Division, except Personal Protection Order cases involving stalking, case suffix "PH" shall be assigned by blind draw to the judges of the Civil/Criminal Division.
- ii. When a Personal Protection Order action is filed and the court records reflect a prior domestic relations or juvenile case involving the same parties, the Personal Protection Order action shall be assigned to the judge who was assigned the previous domestic relations or juvenile case.
- iii. When a domestic relations case is filed and court records indicate a prior Personal Protection Order action involving the same parties, the new case shall be assigned to the judge who was assigned the previous Personal Protection Order action unless two or more years have passed without activity on the Personal Protection Order action.

g. Reassignment of Cases

- i. MCR 8.111 provides that any successor judge reassigned due to a Family Court Plan or Concurrent Jurisdiction Plan should hear post-judgment motions. MCR 8.11 I(C)(2).
- ii. Any dispute as to the proper reassignment of any case shall be resolved by the Chief Judge.

- iii. If a previously filed case has been closed, and the judge assigned to the previously filed case is no longer assigned to that case type, specifically due to a Family Court Plan or Concurrent Jurisdiction Plan, any new or subsequent case arising out of the same transaction or occurrence will be assigned to the successor judge. MCR 8.111(C)(2). If the successor judge cannot be determined, the case will be assigned by blind draw.

IV. Administration

- a. The Chief Judge may delegate administrative responsibilities to the Circuit Court Administrator or others, as provided in MCR 8.110(C)(6). The Family Division Administrator has supervisory authority over the employees of the Family Division. Please see attached organizational chart, Exhibit B.
- b. The Family Division Administrator is responsible for monitoring family division budgets, in conjunction with the circuit court administrator and director of court finance, and supervising day-to-day operations, staff and referees in the juvenile division.
- c. The Friend of the Court is responsible for monitoring and implementing the Friend of the Court budget, supervising day-to-day operations and staff to include the domestic referees.
- d. The Probate Administrator is responsible for monitoring the Probate Court budget and day-to-day operations, supervising staff, and preparing and implementing the Probate Court budget.

V. Records Management

- a. Court documents for domestic relations cases are filed at the legal division of the County Clerk.
- b. Court documents for juvenile cases are filed at the juvenile records division.
- c. The juvenile records office and the legal division, of the Genesee County Clerk, are the central points of access for information for the public, citizens, litigants and attorneys regarding access to courts and court operations, such as where to file documents, how records are stored and how records may be accessed.
- d. The custodian of the Family Division domestic relations case files is the legal division of the County Clerk. Custodian of the Family Division juvenile case files is the Juvenile Records Division.
 - i. The County Clerk has participated in the development of this plan for management of Court records.

- ii. There is a process for the internal transfer for files. Additionally, there is an imaging system that allows authorized users to electronically view court documents.

This Order shall be effective, upon approval of the State Court Administrative Office.

David J. Newblatt /s/
David J. Newblatt
Chief Judge
Genesee County Probate Court
7th Judicial Circuit Court

March 13, 2023
Date

EXHIBIT A
Judges Assigned to the Family Division

John A. Gadola
Circuit Judge
Presiding Judge, Family Division

Khary L. Hanible
Circuit Judge

Arian E. Heath
Probate Judge
Assigned to Family Division

Dawn M. Weier
Circuit Judge

EXHIBIT B

