

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB
IN THE PROBATE COURT FOR THE COUNTY OF MACOMB

In re: Family Court Plan
_____ /

Joint Local Administrative Order #2012-01J

(Rescinds Joint Local Administrative Order 2011-14J)

IT IS ORDERED:

The following Family Court Plan is adopted by the Macomb County Circuit and Macomb County Probate Court.

I. Plan Requirements and Guidelines:

A. General

1. The Chief Judge of the Circuit Court has supervisory authority over the administration of the Family Division of the Circuit Court.
2. The Chief Judge may appoint a Presiding Judge of the Family Division, after consulting with the judges serving in the Family Division, who will assist the Chief Judge in the supervision and day-to-day operation of the Family Division.
3. There will be periodic review and revision of the Family Court Plan, as necessary, by the Chief Circuit Judge and Chief Probate Judge. MCL 600.1011(7).
4. This Family Court Plan supersedes prior plans that have been approved for the operation of the Family Division.

B. Judicial Resources/Service

1. The Chief Judge of the Circuit Court has the authority and flexibility to determine the duration of a judge's service in the Family Division. MCL 600.1011(3).
2. Four Circuit Court judges and one Probate Judge are assigned to the Family Division. (Refer to Exhibit A for judges serving in the Family Division.)

3. The judges serve full time in the Family Division when practicable and where sufficient caseload and judicial resources exist except that, in addition to their family caseloads: (i) one of the Circuit Judges shall have a blended docket that includes primarily criminal cases; and (ii) the Probate Judge shall have a blended docket that includes the Mental Division cases.

C. Assignment of Cases

1. Cases will be assigned to further the concept of “one judge-one family” when practicable.
 - a. a “family” for purposes of this plan includes individuals who are related as husband or wife, parent, step-parent, guardian, child or sibling. An action may still be deemed to involve a “family” although an unrelated individual is involved as a complainant or a party.
2. Juvenile delinquency offenses, abuse and neglect, adoption, juvenile guardianships, emancipation, and parental waiver cases shall be filed at the Juvenile Division facility. New matters shall be assigned randomly to the Family Division judges.
3. Documents related to Friend of the Court matters shall be filed with the County Clerk’s Office, unless it is an objection to a recommended order of support. Those objections shall be filed with the Friend of the Court directly.
4. Upon the disqualification of a judge of the Family Division, the case or cases shall be randomly reassigned to another judge of the Family Division. If all judges of the Family Division disqualify themselves, the case or cases may be reassigned randomly to one of the judges of the Civil/Criminal Division. If all judges of both divisions are disqualified, the Chief Judge shall request assignment of a visiting judge from another court from the Region I State Court Administrative Office pursuant to State Court Administrative Office guidelines.
5. If a civil or criminal action arises from the relationship of parties already involved in a juvenile matter, the civil or criminal case will be reassigned or assigned to the Family Division judge assigned to the juvenile matter, if practical. The Presiding Judge of the Family Division, or the Chief Judge, shall determine whether to assign a civil or criminal case to a Family Division judge under this section to further the concept of “one judge-one family.”

6. If a civil or criminal action arises from the relationship of parties already involved in a domestic relations matter, the civil or criminal case will be reassigned or assigned to the Family Division judge assigned to the domestic relations matter, if practical. The Presiding Judge of the Family Division, or the Chief Judge, shall determine whether to assign a civil or criminal case to a Family Division judge under this section to further the concept of “one judge-one family.”
7. The Chief Judge will adopt a local administrative order pursuant to MCR 8.112 for the assignment of cases consistent with this Plan.
8. Upon the assignment of a new judge to the Family Division, Family Division cases shall be transferred to that judge as determined by the Chief Judge in furtherance of the goals of the Family Division. Judges transferring cases may retain specific designated cases to further the goal of “one family-one judge” and to complete ongoing matters. Judges shall consult and cooperate to create an orderly transition from one judge to another.

D. Administration

1. The Circuit Court Administrator has overall supervisory authority for the Family Division.
2. The Deputy Court Administrator/Chief Referee is responsible for monitoring the Juvenile Division budget and operations. The Juvenile Division Director is responsible for the day-to-day operations and supervision of staff. The Juvenile Division Director is responsible for preparing and implementing the Juvenile Division budget with approval from the Deputy Court Administrator/Chief Referee.
3. The Friend of the Court is responsible for monitoring and implementing the Friend of the Court budget. The Friend of the Court has managers that supervise the different units within the departments, but supervisory authority for all the staff lies with the Friend of the Court Director.

E. Records Management

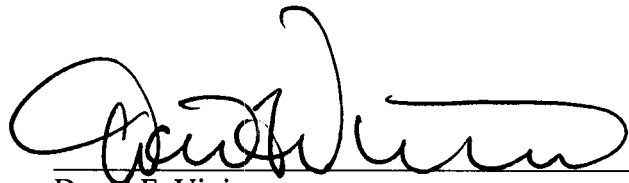
1. Court documents for juvenile matters are filed at the Juvenile Division.
2. The majority of court documents for the Friend of the Court are filed with the County Clerk’s office. Objections to recommended orders for support are filed directly with the Friend of the Court office.
3. The central access point for information about the Family Division is the Circuit Court Administrator’s Office. It will provide the public, citizens,

litigants and attorneys with information regarding access to courts and court related activities, such as where to file documents, how records are stored and how records may be accessed.

4. The management of the Family Division files is handled by the County Clerk's office.
5. There is a process for the internal transfer for files. Additionally, there is an imaging system that allows authorized users of the court case management information system to view Court documents electronically.

This Order shall be effective immediately upon approval of the State Court Administrator's Office.

Dated: 4/4/2012



David F. Viviano
Chief Judge
16th Judicial Circuit Court and
Macomb County Probate Courts

EXHIBIT A

Judges serving in the Family Division:

Judge Mary A. Chrzanowski (Presiding Judge)

Judge Mark S. Switalski

Judge Kathryn A. Viviano

Judge Tracey A. Yokich

Judge Kathryn A. George