

Approved 07/09/03

MARY BETH KELLY
CHIEF JUDGE



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STATE OF MICHIGAN

**THIRD JUDICIAL CIRCUIT COURT ADMINISTRATIVE ORDER 2003-04J
WAYNE COUNTY PROBATE COURT ADMINISTRATIVE ORDER 2003-02J**

SUBJECT: ORDER ADOPTING FAMILY COURT PLAN

IT IS ORDERED:

This administrative order is issued in accordance with 2002 Public Act 682. The purpose of this order is to adopt the Family Court plan appended to this Order upon approval by the State Court Administrative Office.

Effective date: July 1, 2003

Chief Judge Mary Beth Kelly
Third Judicial Circuit Court

Chief Judge Milton L. Mack, Jr.
Wayne County Probate Court

FAMILY COURT PLAN

3rd JUDICIAL CIRCUIT COURT

AND

WAYNE COUNTY PROBATE COURT

JULY 1, 2003

PREAMBLE

This Family Court Plan ("Plan") is executed pursuant to Public Act 682 of 2002 and the Supreme Court's Administrative Order No. 2003-2. Consistent with that Supreme Court Administrative Order, public comment, as well as input from other interested parties, was sought and considered prior to adoption of the Plan.

FAMILY COURT PLAN

A. ADMINISTRATION

1. The Chief Judge of the Circuit Court has supervisory authority over the administration of the Family Division of the Circuit Court. Judges who adjudicate Child Protective Services/Juvenile matters pursuant to MCLA 600.1021(3) recognize the supervisory authority of administrative matters vested in the Chief Judge of the Circuit Court.

2. The Chief Judge of the Circuit Court and the Chief Judge of the Probate Court shall meet regularly to evaluate the Family Court Plan and discuss any necessary modification.

3. The Family Division of the Circuit Court shall consist of two sections, the Domestic Relations Section and the Child Protective Services/Juvenile Section. The Judges presently assigned to adjudicate Domestic Relations matters are:

Circuit Court Judge Kathleen Macdonald, Presiding
Circuit Court Judge Helen Brown
Circuit Court Judge Bill Callahan
Circuit Court Judge Michael James Callahan
Circuit Court Judge Richard B. Halloran
Circuit Court Judge Amy Hathaway
Circuit Court Judge Arthur Lombard
Circuit Court Judge Kathleen McCarthy
Circuit Court Judge Maria Oxholm
Circuit Court Judge Lita Popke
Circuit Court Judge Jeanne Stempien
Circuit Court Judge Carole F. Youngblood

The Judges assigned to the Domestic Relations Section will hold periodic meetings.

The Judges presently assigned to adjudicate Child Protective Services/Juvenile Section matters are:

Circuit Court Judge Mary Beth Kelly, Chief Judge
Circuit Court Judge Sheila Gibson Manning, Presiding
Circuit Court Judge Chris Dingell
Circuit Court Judge Kym Smith
Probate Court Judge Patricia B. Campbell
Probate Court Judge James E. Lacey
Probate Court Judge Frances Pitts

The Judges assigned to the Child Protective Services/Juvenile Section will hold periodic meetings.

4. The Chief Judge of the Circuit Court shall enforce time standards applicable by statute and Supreme Court Administrative Order by Local Administrative Order. A Docket Review Committee of the Circuit Court shall exist for both the Domestic Relations and the Child Protective Services/Juvenile Section. The Docket Review Committee of the Child Protective Services/Juvenile Section shall consist of at least one Probate Judge if any Probate Judge adjudicates Child Protective Services/Juvenile Section.
5. Supervisory authority over Family Division personnel shall continue to vest in the Third Circuit Court Administrator, Friend of the Court and Juvenile Register of the former Juvenile Division, as determined by the Chief Judge of the Circuit Court.
6. Pursuant to MCL 600.1043, staff, Friend of the Court, Family Counseling Services, County Juvenile Officers and Assistant Juvenile Officers, and all other state and public agencies that provide assistance to families and juveniles shall continue to do so, and the Chief Judge of the Circuit Court shall meet regularly with the Director of the Wayne County Department of Families and Children to evaluate services provided pursuant to court orders. Services of those agencies identified in MCLA 600.1043 shall continue to be coordinated through the Wayne County Department of Families and Children pursuant to the Memorandum of Understanding executed between the Family Independence Agency, the Wayne County Department of Community Justice and the Third Circuit Court.
7. Cases will be initiated and court files maintained at the site where the cases are heard, as set forth in (B)(1) below. Employees who initiate and maintain files shall remain within the administrative structure of the Family Division of the Circuit Court.
8. The Chief Judge of Circuit Court will continue to manage the facilities of the Third Circuit Court.
9. The Chief Judge of Circuit Court will continue to manage the budget process for the Third Circuit Court, including the Family Division.
10. The Chief Judge of the Circuit Court shall ensure the Court undertakes efforts to better promote services to families, particularly *pro se* litigants, bilingual services, and will establish a diversity training program for Family Division employees.

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11. The Chief Judge of the Circuit Court may, pursuant to MCR 8.110, appoint a presiding judge of the Family Division, including, presiding judges of both the Domestic Relations Section and Child Protective Services/Juvenile Section.

12. The Chief Judge of Circuit Court will continue to manage the Friend of the Court and will continue efforts to improve the Friend of the Court services provided to families pursuant to Court Order.

B. JUDICIAL AND CASE ASSIGNMENTS

1. Until a common facility can be built, the Circuit Court maintains two Sections that adjudicate matters within the jurisdiction of the Family Division of the Wayne County Circuit Court: the Domestic Relations Section and the Child Protective Services/Juvenile Section. Unless excepted by the Chief Judge of the Circuit Court, domestic relations matters are heard at CAYMC; Child Protective Services/Juvenile Section matters are heard at the James E. Lincoln Hall of Juvenile Justice.

2. Judicial Allocations

a. At least six judges shall be assigned on a full-time basis to the Child Protective Services/Juvenile Section and shall have full-time dockets at the James H. Lincoln Hall of Juvenile Justice.

Probate Judges Patrica B. Campbell, James E. Lacey and Frances Pitts shall serve in the Child Protective Services/Juvenile Section until their respective retirements. Upon the retirement of each of these Probate Judges presently serving in the Child Protective Services/Juvenile Section, the Chief Judge of the Probate Court may propose a Probate Judge to serve in the Child Protective Services/Juvenile Section of the Wayne County Circuit Court exercising jurisdiction pursuant to MCLA 600.1021 for a period of not less than 3 years. The Chief Judge of the Circuit Court may reject that proposal but must then assign a Circuit Court Judge for a period of not less than three years to replace the retiring Probate Judge.

b. At least twelve judges shall be assigned on a full-time basis to the Family Division – Domestic Relations Section and shall all have full-time time dockets.

3. Judges' service to the Family Division shall be consistent with the goal of developing sufficient judicial expertise in family law to properly serve the interests of the families and children whose cases are assigned to that judge.

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Effective July 1, 2003, the duration of a judge's service pursuant to this Plan in both the Domestic Relations Section and in the Child Protective Services/Juvenile Section shall be a minimum of three years.

C. CASEFLOW MANAGEMENT

1. Assignment of Cases:

a. All new judicial case assignments, except as otherwise stated, will be random by lot to the Judges assigned to the Family Division, in accordance with MCR 8.111(b). When two or more matters within the jurisdiction of the Family Division involving members of the same family are pending, those matters, whenever practicable, will be assigned to the Family Division Judge who received the first filing involving a member of the family.

b. Case assignment will continue to be identified by case type codes, as per 1996 PA 388 (i.e. Family Division, Domestic Relations Section, located in the Coleman A. Young Municipal Center, will continue to hear all cases involving divorce, child custody, parenting time, paternity, child and spousal support, personal protection orders, emancipation of minors, parental consent waivers and name changes. Family Division, Child Protective Services/Juvenile Section, located at James H. Lincoln Hall of Juvenile Justice 1025 E. Forest, Detroit, Michigan 48207 will continue to hear all cases involving adoption, child abuse and neglect and delinquency.)

c. Reassignment of cases shall be in accordance with MCR 8.111.

d. The Chief Judge of the Circuit Court will issue Administrative Orders and Docket Directives as necessary to implement administrative oversight of cases.

2. Assignment of Cases Other than by Lot:

a. The Chief Judge of the Circuit Court and Chief Judge of the Probate Court shall confer to determine whether a Probate or a Circuit Court Judge should exercise its ancillary jurisdiction pursuant to MCLA 600.1021. An appropriate order shall be entered in such case.

b. Adoption Docket: All adoption matters shall continue to be assigned on a rotation basis due to the need to enhance computer technology and to ensure administrative convenience.

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- c. Parental Consent Waivers: All parental consent waivers shall continue to be assigned on a rotation basis within the Domestic Relations Division.
- d. Personal Protection Orders: All matters concerning Personal Protection Orders shall continue to be assigned on a rotation basis.
- e. Children Absent From Placement Without Legal Permission (AWOLP) Docket: Pursuant to Administrative Order 2003-1, all AWOLP Child Protective Services/Juvenile matters shall continue to be heard by the Chief Judge of the Circuit Court.

D. FACILITIES AND RECORDS MANAGEMENT

- 1. The Family Division records will be filed as follows:
 - a. Cases and records involving abuse and/or neglect of minors, delinquency and adoptions will continue to be filed with the County Clerk at Lincoln Hall of Justice.
 - b. Cases and records involving divorce, child custody, parenting time, personal protection orders, emancipation of minors, parental consent waivers, and name changes will continue to be filed with the County Clerk located in the Coleman A. Young Municipal Center. Paternity, child and spousal support and interstate support matters will be filed with the County Clerk in CAYMC or with the Friend of the Court.
- 2. Designation of a "Central Access Point"
 - a. A central access point for distribution of information to the public and bar will be located in the first floor lobby of the Coleman A Young Municipal Center.
 - b. The Office of the County Clerk will be available to provide SCAO authorized court forms.
- 3. The County currently operates a Juvenile Detention Facility and employs a director of that facility. The Chief Judge of the Circuit Court will continue to monitor the status of those detained at the facility pursuant to court order.


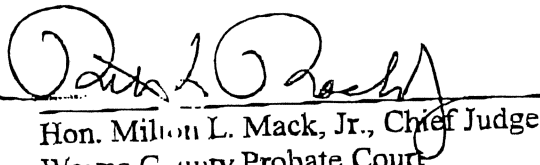
E. TRAINING AND STAFF

- 1. Local training shall continue to be available for the Family Division staff on statutory, case law and court rule requirements. The Chief Judge of the Circuit

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Court will required the attendance of Judges serving pursuant to this Plan to attend training offered pursuant to MCLA 600.1019.

2. Training locations will continue to be coordinated by the Chief Judge of the Circuit Court.

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| Hon. Mary Beth Kelly, Chief Judge Wayne County Circuit Court | Hon. Milton L. Mack, Jr., Chief Judge Wayne County Probate Court |

MBK/D:CHIEF/FAMILY COURT PLAN