

**CONCURRENT JURISDICTION PLAN
APPLICATION**

Juvenile Cases in District Court Program (JCDC)


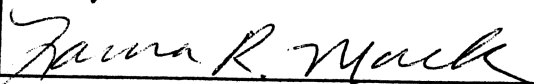
Third Circuit Court and 29th District Court

APPLICANT SUMMARY

1. **Applicant:** Third Circuit Court (County of Wayne)
Address: 2 Woodward Ave.
 Suite 711
 Detroit, MI 48226
Contacts: Hon. Mary Beth Kelly, Chief Judge
Phone: 313-224-8220
FAX: 313-237-1114
E-mail: Mary-beth.Kelly@3cc.co.wayne.mi.us
 Bernard Kost, Court Administrator
Phone: 313-224-5261
FAX: 313-237-9257
E-mail: Bernard.Kost@3cc.co.wayne.mi.us

2. **Applicant:** Twenty-ninth District Court (City of Wayne)
Address: 34808 Sims Ave.
 Wayne, MI 48184
Contacts: Hon. Laura Mack, Chief Judge
Phone: 734-722-5220
E-mail: D29@voyager.net
 Linda Gable, Court Administrator
Phone: 734-419-0109
FAX: 734-722-7003
E-mail: lgable@ci.wayne.mi.us]

3. **Concurrent Jurisdiction Type:**
 Circuit and District Court Jurisdictions – Misdemeanor Juvenile Delinquency Cases

4. Chief Judges	Signatures	Date
a) Hon. Mary Beth Kelly Chief Judge Third Circuit Court		8-13-04
b) Hon. Laura R. Mack Chief Judge Twenty-ninth District		

PLAN DESCRIPTION

CIRCUIT AND THIRD CLASS DISTRICT COURT DISTRICTS

The judges of the Family Division of the Third Circuit Court and the judges of the 29th District Court, subject to approval by the Supreme Court and to certain other limitations as defined in 2002 Public Act 678 and described in these requirements, by a majority vote of each group of judges, adopt a plan of limited concurrent jurisdiction to replace the blanket assignments under which the *Juvenile Cases in District Court (JCDC)* program has been operating.

PROGRAM DESCRIPTION

Juvenile Cases in District Court (JCDC) is a special program approved by the State Court Administrative Office (SCAO) in which certain delinquency proceedings involving not-in-custody juveniles are conducted in the courthouses of the Districts where the offenses occur. Participation of the District Courts in the JCDC program is voluntary and requires the support of the participating District Court benches in cooperation with the district funding unit(s). Under the current program, the judges of the participating District Courts have been assigned by the Michigan Supreme Court as Third Circuit Court judges to exercise the limited power and jurisdiction of the Juvenile Section of the Family Division to adjudicate juvenile misdemeanor cases. Cases eligible for inclusion in the JCDC program involve juvenile residents of the participating Districts who have no other cases pending in the Juvenile Section of the Family Division of the Third Circuit Court. The cases of those juvenile defendants, which cannot be handled locally under the parameters of the JCDC program are adjudicated at the Lincoln Hall of Justice (LHJ) by Third Circuit Court judges or referees. Joint Local Administrative Orders on file at SCAO designate the District Courts as satellites of the Juvenile Section of the Family Division of Circuit Court pursuant to statute and court rule.

Pursuant to MCL 712A.2, the court has . . . exclusive original jurisdiction superior to and regardless of the jurisdiction of any other court in proceedings concerning a juvenile under 17 years of age who is found within the county if . . . the juvenile has violated any municipal ordinance or law of the state or of the United States.

Pursuant to MCL 600.1517(1), subject to approval of the state court administrator and county board of commissioners, the chief judge of any Circuit may designate one or more places in the county. . . where regular terms of Circuit court may be held. (3) The family division of Circuit court may hold sessions of court at any alternative primary location designated under MCL 600.816.

Pursuant to MCR 5.903(B)(4), "offense by a juvenile" means an act which violates a criminal statute, a criminal ordinance . . . or an act which violates a traffic law other than an offense designated as a civil infraction.

This plan of limited concurrent jurisdiction involving the Third Circuit and participating District Courts will continue implementation of the JCDC program as it currently exists, but will replace the blanket SCAO assignments, which have permitted the District judges to serve as Circuit judges pursuant to statute and Supreme Court Administrative Order.

Pursuant to Administrative Order No. 2003-1, pursuant to MCL 600.401 *et seq.*, as added by 2002 PA 678, courts may establish a plan of concurrent jurisdiction . . .

ALLOCATION OF REVENUES AND RESPONSIBILITY FOR PROGRAM COSTS

Under this plan of limited concurrent jurisdiction, revenues generated by the assessment of fines and costs will continue to be allocated pursuant to statute. Oversight and program assessments may continue to be assessed to cover the cost of defendants' participation in local educational and/or rehabilitative programs. The local funding units may continue to voluntarily fund local educational and/or non-residential rehabilitative programs for which they will not receive county reimbursement. The local funding units are under no obligation to provide local educational and/or rehabilitative programs. The District Court Judges may continue to order juvenile defendants to participate in available county-funded programs at no cost to the local funding units.

CERTIFICATION OF PLAN APPROVAL

The majority of judges from the 3rd Circuit Court Family Division and the 29th District Court have agreed to adopt this plan of limited concurrent jurisdiction to continue implementation of the JCDC program.

The governing body of the local funding unit of the 29th District Court has agreed to adopt this plan of limited concurrent jurisdiction to continue implementation of the JCDC program as its expense. The funding unit of the Third Circuit Court has been notified of the continuation of the JCDC program under this concurrent jurisdiction plan at no expense to it.

Certificates of adoption of this concurrent jurisdiction plan are submitted with this plan. See appendix.

JUDICIAL RESOURCE ALLOCATION AND ADMINISTRATION

This plan of limited concurrent jurisdiction replaces the Supreme Court/SCAO blanket assignments under which the Juvenile Cases in District Court (JCDC) program has been operating. No modifications or expansions to the current program are anticipated at this time.

1. CONCURRENT JURISDICTION PLAN GOALS

The following benefits to the courts, communities, and litigants will continue to be realized through the adoption of a plan of concurrent jurisdiction:

1. **BENEFITS TO PARTICIPATING COURTS, COMMUNITIES, AND LITIGANTS**
 - a. District Court adjudication of juvenile offenses allows the Circuit Court to reallocate judicial and county resources for the adjudication of serious cases.
 - b. District Court adjudication of juvenile offenses provides local communities an additional means of controlling local juvenile delinquency by devoting intensive resources to early intervention over and above those available at the county level.
 - c. District Court adjudication of juvenile offenses affords juveniles and their parents convenient local access to the court system.
 - d. District Court adjudication of juvenile offenses allows the justice system to provide intense personal attention to the influences of local culture and circumstances.

2. JUDICIAL RESOURCES

The following describes the process for determining how cases will continue to be assigned to the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges pursuant to MCL 600.401(3), 406(3), 407(3), and 408(3), and MCR 8.111. If a different system is adopted, a Local Administrative Order will be submitted.

1. JUDICIAL ASSIGNMENT OF CASES

- a. **Case assignment and scheduling process:** Misdemeanor cases involving resident juveniles with no pending Circuit Court cases shall be adjudicated in the JCDC-participating local District Courts. Ineligible misdemeanor and felony cases involving juveniles shall be adjudicated in the Circuit Court Family Division Juvenile Section. Cases filed in JCDC-participating District Courts will continue to be assigned and scheduled pursuant to the criminal docketing practices of each District Court. Cases filed in or transferred to the Circuit Court Family Division Juvenile Section will be assigned and scheduled pursuant to criminal docketing practices of the juvenile section.
- b. **Caseload distribution:** JCDC-eligible cases will continue to be evenly divided among the participating judges within the participating District Court. JCDC-ineligible cases will continue to be divided among judges and referees in the Third Circuit Court Family Division Juvenile Section at Lincoln Hall of Justice (LHJ).
- c. **Transition and handling of open/pending cases:** Cases will be handled without interruption or transition since this is a continuation of the existing JCDC program, which has functioned successfully for several years under the assignment system.
- d. **Rotation of judges within divisions; transfer of cases:** Rotation of judges into the Family Division of the Circuit Court will continue to occur irrespective of the JCDC program. JCDC-ineligible cases filed in the District Courts will continue to be transferred to the Third Circuit Court Family Division Juvenile Section through petition (form JC-02).
- e. **Plan for appeals from disqualification rulings:** The challenged District judge shall decide the motion to disqualify. If he denies the motion, on the request of a party, the challenged District Court judge shall refer the motion to the chief judge of the Third Circuit Court who shall decide the motion de novo. If all of the judges within the District are disqualified, the case shall be transferred to the Circuit Court.

2. **QUASI-JUDICIAL RESOURCES UTILIZATION AND ASSIGNMENT**

- a. **Assignment/scheduling process:** District magistrates shall not preside over JCDC cases.
- b. **Caseload distribution:** JCDC cases shall not be distributed to magistrates.
- c. **Transition and handling of open/pending cases:** N/A
- d. **Rotation of judges within divisions; transfer of cases:** N/A

3. COURT GOVERNANCE

COURT GOVERNANCE STRUCTURE

1. **Structure:** Circuit Court has designated participating JCDC District Courts as satellite locations of the juvenile section of the Family Division pursuant to MCL 600.1517. The participating District Courts function as the juvenile section of the Family Division when adjudicating juvenile misdemeanors. Circuit Court oversees the operations of the JCDC program, which includes handling and reporting of cases as Circuit Court cases.
2. **Roles and responsibilities:** The chief judge of the Circuit Court oversees all Circuit Court programs, including JCDC. Each participating District Court clerk's office processes case files and reports the JCDC cases as indicated by Circuit Court policy; the District judges adjudicate the cases; and the District Court juvenile probation officer supervises the defendants. In addition, the county makes available the same programs that are available for cases adjudicated at the Third Circuit Court Family Division Juvenile Section.
3. **Decision-making process:** Appropriate judicial and administrative representatives of the Circuit Court and participating District Courts, along with representatives from SCAO Region One, met regularly during the development stage of the program and continue to meet as needed.

4. ADMINISTRATIVE STRUCTURE

1. ADMINISTRATIVE STAFF ROLES

- a. **District Court staff:** Administrative staff in the clerk's office of each District Court will continue to process the cases from initiation through closing after completion of probation or other sanction programs. Staff treats JCDC cases as Circuit Court cases rather than as District Court cases. Clerks maintain case files and statistics, the latter of which are reported to Circuit Court as indicated by Circuit Court policy for inclusion in the Circuit Court caseload report.
- b. **Circuit Court staff:** Administrative staff at LHJ create computerized records of the cases adjudicated at the participating JCDC District Courts. Staff also report JCDC cases on the Circuit Court caseload report.

Organizational chart is submitted with this plan. See appendix.

5. HUMAN RESOURCES

1. STAFFING CHANGES

- a. **Circuit Court:** None.

- b. **District Court:** None. Court currently employs required certified juvenile probation officer and adequate administrative staff.

2. STAFF'S EMPLOYMENT STATUS AND PROPOSED CHANGES

- a. **Circuit Court:** Current staff is unionized. No changes will occur.

- b. **District Court:** Current staff is unionized. No changes will occur.

3. EMPLOYEE STATUS ISSUES

- a. **Circuit Court:** None. No changes will occur.

- b. **District Court:** None. No changes will occur.

6. BUDGET AND FISCAL MANAGEMENT

1. **Changes to processes and responsibilities for the preparation, presentation, and administration of Court budgets, including contracting and purchasing authorization responsibilities.**

There will be no changes in processes and responsibilities for the preparation, presentation, and administration of Court budgets, including contracting and purchasing authorization responsibilities. District Courts will continue to finance and administer JCDC through their own budgets as approved by their funding units. Circuit Court and Wayne County will continue their non-involvement in the JCDC program's financial administration.

2. **Coordination or consolidation of collections.**

District Courts will continue to collect and transmit fines, costs, and fees to Wayne County, the State of Michigan, and local funding units as prescribed by statute.

3. **Revenue allocation.**

District Courts will continue to allocate revenue as required by statute. Therefore, no funding unit agreements pertaining to the re-allocation of revenue are required as a result of implementation of this concurrent jurisdiction plan.

4. **Budgetary impacts of implementation of this concurrent jurisdiction plan (start-up costs, system integration costs, equipment costs, etc.)**

Since the JCDC program has been functioning for the past 4 years, there will be no new budgetary impact resulting from the implementation of this concurrent jurisdiction plan. The local funding units continue to fund the probation officer positions as a part of the District Court's personnel costs. No extra expenses will be incurred through the substitution of this concurrent jurisdiction plan for judicial assignments.

7. RECORDS MANAGEMENT

Changes to records management, filing of new cases and pleadings, access to records, maintenance of records and storage of records.

There will be no changes to records management, filing of new cases and pleadings, access to records, maintenance of records and storage of records as a result of the adoption of this concurrent jurisdiction plan. Records shall continue to be managed as they have been since the inception of the JCDC program prior to the adoption of this concurrent jurisdiction plan. Therefore, evidence of concurrence by the county clerk is not attached pursuant to MCL 600.420:

Unless an alternate method of record maintenance is approved by the county clerk as part of a plan of concurrent jurisdiction, the records of the Circuit Court, probate Court, and District Court shall continue to be maintained by that respective county clerk, probate register, or District Court clerk in the same manner as the method employed for record management before the plan of concurrent jurisdiction is adopted. Eff. Apr. 1, 2003.

8. INFORMATION SYSTEMS

1. **Court case management systems, hardware platform and software applications.**

Third Circuit Court maintains an in-house case management system. The District Court provides information to the Circuit Court System manually.

2. **Integration and/or system enhancements.**

The Third Circuit Court system will be enhanced as required to accommodate future changes in court rule and statute. The District Court will continue to provide appropriate information to the Circuit Court.

3. **Plan for standardization or enhancement of Court recording/reporting systems.**

District Courts record hearings for JCDC cases as required by statute and Court rule in the same manner as they record hearings for adult cases using SCAO-approved equipment. There is no need to standardize or enhance the current Court recording systems as a result of the implementation of the JCDC program.

9. FACILITIES AND INFRASTRUCTURE

1. **Proposed changes to facilities or their utilization, including security, courtroom utilization, records maintenance, location of support activities, etc.**

No changes to facilities or their utilization, including security, courtroom utilization, records maintenance, location of support activities, etc. will be required as a result of the implementation of this concurrent jurisdiction plan. All systems have been in place since the inception of the JCDC program.

2. **Identification of Court hours.**

Court hours are as follows:

Third Circuit Family Division Juvenile Section:

8:30 a.m. - 4:30 p.m.

Twenty-ninth District Court:

8:00 a.m. - 4:30 p.m.

10. JURY MANAGEMENT

Plans for new jury system, consolidation of jury administration, and jury panels.

There are no plans for a new jury system, consolidation of jury administration, and jury panels as a result of the implementation of this concurrent jurisdiction plan. Since the inception of the JCDC program, the District Courts have used local juries for jury trials involving juvenile defendants as needed.

11. PLANNING PROCESS/EXTERNAL RELATIONS

1. Involvement of affected judges, court staff, other persons, and entities in plan development.

Representatives of Third Circuit Court and District Court judges, court staff, probation officers, SCAO, local police departments, and local funding unit administration have been actively involved in the planning process for the development and implementation of the JCDC program since its inception.

2. Information dissemination to external agencies and clients of changes in court policies, procedures, and processes.

The Third Circuit Court, the District Courts, and SCAO have disseminated appropriate information to external agencies and clients of changes in court policies, procedures, and processes since the inception of the JCDC program through meetings, local administrative orders, memoranda, and written operating procedures. No changes in the dissemination of information to external agencies and clients of changes in Court policies, procedures, and processes will be necessary as a result of implementation of this concurrent jurisdiction plan.

12. TRAINING

1. **Training needs and training plans for judicial and Court support staff.**

New District and Circuit employees have been trained as needed since the inception of the JCDC program. No new training plan is required as a result of implementation of this concurrent jurisdiction plan. Any new employees will be trained pursuant to current practices and procedures.

Appendix 1
Certifications by Judges

MARY BETH KELLY
CHIEF JUDGE



(313) 224-8220

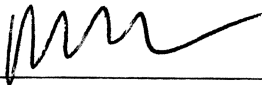
701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE,
DETROIT, MICHIGAN 48226-3413

Certificate of Adoption of Concurrent Jurisdiction Plan

Juvenile Cases in District Court Program (JCDC)

This is to certify that the majority of the judges of the Family Division of the Third Circuit Court agree to adopt a plan of limited concurrent jurisdiction which designates the 29th District Court as a satellite location for the Juvenile Section of the Family Division of the Third Circuit Court.

This plan permits the 29th District Court to continue its participation in the **Juvenile Cases in District Court Program (JCDC)** program under which the 29th District Court processes and adjudicates eligible juvenile misdemeanor cases involving residents of the city of Wayne.



Chief Judge

8-13-04

Date

DISTRICT COURT



STATE OF MICHIGAN

29th JUDICIAL DISTRICT of MICHIGAN

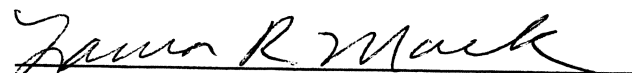
LAURA R. MACK
District Judge

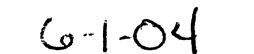
LINDA GABLE
Court Administrator

**Certificate of Adoption of Concurrent Jurisdiction Plan
Juvenile Cases in District Court Program (JCDC)**

This is to certify that the majority of the judges of the 29th District Court agree to adopt a plan of limited concurrent jurisdiction which designates the 29th District Court as a satellite location for the Juvenile Section of the Family Division of the Third Circuit Court.

This plan permits the 29th District Court to continue its participation in the **Juvenile Cases in District Court Program (JCDC)** program under which the 29th District Court processes and adjudicates eligible juvenile misdemeanor cases involving residents of the city of 29th.


Signature of Chief Judge


Date

Appendix 2
Certification by Local Funding Unit

MARY BETH KELLY
CHIEF JUDGE



(313) 224-8220

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE,
DETROIT, MICHIGAN 48226-3413

August 12, 2004

Mr. Robert Ficano, County Executive
Wayne County
600 Randolph
Detroit, MI 48226

Dear Mr. Ficano:

This is to notify you, as the Chief Executive of the County of Wayne, that the Third Circuit Court has adopted a plan of concurrent jurisdiction governing the adjudication of juvenile misdemeanors with three District Courts, the 19th District Court in Dearborn, the 29th District Court in Westland and the 35th District Court in Plymouth. This plan replaces the judicial assignments which have been in place since 1999 permitting district court judges to adjudicate misdemeanor cases, such as smoking violations, arising within their communities.

The adoption of this plan represents a continuation of the status quo but meets new requirements dictated by the Michigan Supreme Court concerning the long-term assignment of judges.

There is no cost to the county of Wayne as a result of the adoption of the plan of concurrent jurisdiction. The county will continue to receive the fines and costs to which it is entitled by statute.

This notification, a mere formality, is necessary. Should you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Beth Kelly".

Mary Beth Kelly,
Chief Judge
Third Judicial Circuit Court

MBK/rb

Attachments: Local Administrative Order 2004-08
Local Administrative Order 2004-09
Local Administrative Order 2004-10

cc: Presiding Judge Virgil C. Smith, Jr.
Bernard J. Kost



City of
WAYNE

OFFICE OF THE CITY MANAGER

Certificate of Adoption of Concurrent Jurisdiction Plan
Juvenile Cases in District Court Program (JCDC)

This is to certify that the governing body of the City of Wayne agrees to the adoption of a plan of limited concurrent jurisdiction which designates the 29th District Court as a satellite location for the Juvenile Section of the Family Division of the Third Circuit Court.

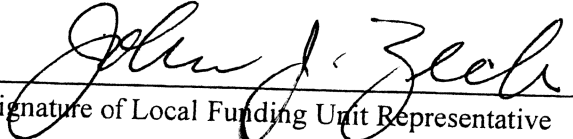
This plan permits 29th District Court to continue its participation in the *Juvenile Cases in District Court Program (JCDC)* program under which the 29th District Court processes and adjudicates eligible misdemeanor cases involving juvenile residents of the city of 29th committed within that community.

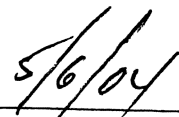
Said governing body agrees that fines and costs collected by the 29th District Court under this program are to be distributed pursuant to statute, and that fees may be collected to cover the costs of probation oversight and educational/sanction programs.

Said governing body agrees that the local funding unit of the 29th District Court shall fund the costs of adjudicating and processing JCDC-eligible cases within the District Court budget without expectation of county reimbursement.

Said governing body also agrees that the local funding unit of the 29th District Court may fund any educational or sanctions programs it voluntarily provides for JCDC defendants without expectation of county reimbursement.

Said governing body agrees that the County of Wayne shall make available to JCDC defendants all programs for which non-JCDC defendants within the county may be eligible at the discretion of the sentencing judge at no cost to the local funding unit of the 29th District Court.


Signature of Local Funding Unit Representative


Date

APPENDIX 3
Joint Local Administrative Orders

RECEIVED
2004 AUG 19 PM 1:20
29TH DISTRICT COURT

Third Circuit Court
2 Woodward
Detroit, MI 48226
and
Twenty-ninth District Court
34808 Sims Ave.
Wayne, MI 48184

Third Circuit Local Administrative Order 2004 - 08J
29th District Local Administrative Order 2004 - [] J

Adjudication of Juvenile Cases in District Court (JCDC) Under Concurrent Jurisdiction Plan

IT IS ORDERED:

This administrative order is issued in accordance with MCR 8.111 and MCR 8.112.

Pursuant to 2002 Public Act 678, the Third Circuit Court and the 29th District Court have entered into a concurrent jurisdiction agreement to authorize the continuation of the *Juvenile Cases in District Court* program (JCDC). Under the JCDC program, District Court Judge[s] adjudicate cases involving resident juveniles charged with misdemeanors committed within the District. The concurrent jurisdiction plan replaces SCAO judicial assignments as the vehicle authorizing the District Judges to preside over juvenile misdemeanor cases under the JCDC program.

The previous administrative order 2000-07J and administrative order 2000-01 governing the JCDC program is rescinded.

1. Under the Juvenile Cases in District Court (JCDC) concurrent jurisdiction plan adopted by the Third Circuit Court and the 29th District Court, the 29th District Court shall be designated as a satellite location at which misdemeanor cases involving juvenile defendants are adjudicated by the judge[s] of the District Court as provided by MCL 600.1517(3).

- a. Only those cases involving crimes which occur within the District shall be adjudicated in the 29th District Court.
- b. Only those cases involving residents of the District who are not in custody and/or who do not have pending cases in the Third Circuit Court shall be adjudicated in the 29th District Court.

2. Cases eligible for adjudication in the 29th District Court under the JCDC program shall be assigned to the District judges by blind draw.
3. Cases ineligible for adjudication in the 29th District Court under the JCDC program shall be filed at the Third Circuit Court Family Division Juvenile Section and assigned to referees and judges pursuant to standard operating practices and procedures.
4. Motions filed to disqualify the assigned District Judge shall be acted upon by the assigned District Judge. If the assigned District Judge denies the motion, at the request of the party, the motion shall be heard de novo by the Chief Judge of the Third Circuit Court. If the Chief Judge of the Third Circuit Court grants the motion to disqualify the assigned judge, the case shall be reassigned to another District judge within the 29th District Court. Cases which cannot be reassigned within the 29th District Court shall be forwarded to the Lincoln Hall of Justice where it will be processed and adjudicated according to standard operating practices and procedures by Third Circuit Court Family Division Juvenile Section staff, referees, and judges.
5. The JCDC cases filed in the 29th District Court shall be processed in accordance with statutes, Court rules, Third Circuit Court policies, and the guidelines of the JCDC program governing case types/charges to be adjudicated; juvenile eligibility; case, forms, and records management; assessment and distribution of fines, costs, and oversight fees; sanctions, supervision/probation, and programs; probation officers' assignments and training; and assignment of appointed counsel.
6. Changes to the JCDC program must be approved by the Chief Judge of the Third Circuit Court, 29th District Court, and SCAO.
7. The Third Circuit Court and the 29th District Court shall provide copies of this Order, as well as copies of pertinent procedures, to all appropriate law enforcement agencies.

Effective Date: October 1, 2004

Circuit Chief Judge Signature: _____

Date: 8-13-04

District Chief Judge Signature: _____

Date: 8-19-04

APPENDIX 4
JCDC Organization Chart

JCDC Organization Chart

