



THE THIRD JUDICIAL CIRCUIT  
OF MICHIGAN

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

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**ADMINISTRATIVE ORDER 2005-03**

**STATE OF MICHIGAN  
THIRD JUDICIAL CIRCUIT**

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**Participation in the Prisoner Support Adjustment Project**

The State Court Administrative Office (SCAO) received a federal grant to conduct a study of ways to overcome procedural barriers related to court access and case processing for prisoners needing a reduction in child support. As part of the study, the SCAO has developed new methods, procedures, and forms for processing support-related motions by prisoners.

This court agrees to participate in the Prisoner Support Adjustment Project (PSAP) and adopts this order to facilitate its participation.

**IT IS ORDERED:**

**Scope and Applicability of Order**

1. **Duration of Project.** Beginning on March 1, 2005, and in effect until September 30, 2005, or as further ordered, Third Circuit Court will participate as a pilot court in the PSAP.
2. **Actions to which this Order Applies.** This order applies to support modification proceedings involving support payers incarcerated by the Michigan Department of Corrections during this court's participation in this project.
3. **Use of Electronic and Video Communications.**
  - a. In the interest of safety and expense, this court adopts ISDN compatible two-way interactive video or telephonic teleconference as the preferred electronic means of accepting testimony under MCR 3.210(A)(4) and MCR 3.215(D)(3) from an incarcerated parent in support modification or establishment proceedings.
  - b. To the extent possible, this court will accept an incarcerated parent's electronic testimony from correctional facilities in proceedings, including but not limited to, those resulting from:

- i. motions initiated by prisoner parent-payers to modify support during the period of incarceration,
  - ii. a friend of the court initiated review, or
  - iii. motions initiated by an approved law clinic to represent prisoners in these proceedings.
4. **Authorization for Law Students to Appear in PSAP Actions.** This court, under MCR 8.120(D)(3), approves the appearance of law students from Wayne State University law school clinic to represent incarcerated parents in PSAP actions.
5. **Scheduling Hearings.** All hearings on support actions involving persons incarcerated under the Michigan Department of Corrections shall be scheduled as follows:
  - a. Only hearing rooms containing ISDN video equipment approved by the SCAO for this project or telephonic teleconference equipment shall be used for hearings.
  - b. Notwithstanding any previous case assignment, all prisoner hearings shall be assigned to a hearing officer who is familiar with the use of interactive video or telephonic or teleconferencing equipment and who has been through an orientation concerning this project.
  - c. All hearings shall be held during dedicated blocks of time for hearing prisoner-parent support modification matters, and conclude by 4:00 p.m.
6. **SCAO Forms Sufficient to Initiate Action.** This court accepts the SCAO approved motion and forms as sufficient to initiate prisoner support modification proceedings and does not require any additional local forms.
7. **Waiver of Filing Fees and Order Entry Fees.** The court presumes that all incarcerated parents participating in this project are indigent. The court suspends all fees associated with filing motions and entering orders by an incarcerated parent until after entry of the order. At the hearing, the court may order the fees paid.
8. **Providing Information.** Court and friend of the court staff shall provide information to the SCAO and law clinics involved in the project as follows:
  - a. Upon request, the friend of the court office shall provide the law clinic representing a prisoner with information, including the parties' addresses for service, as allowed by MCR 3.218.
  - b. The friend of the court office shall assist the SCAO in obtaining information concerning PSAP cases, including compiling data necessary for evaluation of the project and providing access to confidential records and information necessary to conduct and assess it.
9. **Processing Prisoner Pro Per Pleadings**
  - a. When the clerk of the court receives SCAO approved motions from prisoners representing themselves, the clerk shall file the pleadings and forward copies to the Court Clerical Services Department, 4<sup>th</sup> floor Penobscot Building, Detroit.
  - b. The Court Clerical Services Department shall review the prisoner's forms and assure that all necessary forms have been received, and
    - i. if the prisoner has submitted the required forms, review the pleadings for completeness;

- ii. if the prisoner fails to properly complete or provide all necessary forms, Court Clerical Services Department shall reject the motion and send the prisoner a form notice explaining why the motion was rejected, and
  - iii. if the forms are adequately completed, schedule the support hearing.
- 10. **Scheduling Prisoner Pro Per Hearings.** The Court Clerical Services Department shall schedule the hearing and process the pleadings by doing the following:
  - a. Coordinate hearings involving prisoners in the same facility:
    - i. verify the prisoner's current correctional facility by accessing OTIS;
    - ii. group the hearings for prisoners housed in the same facility to be heard consecutively - maximum size 10 prisoners per group; and
    - iii. complete the notice of hearing section of the form.
  - b. Insert each party's mailing address for service of the forms:
    - i. utilize OTIS to find which facility currently houses the prisoner, and use the prisoner's name, inmate number, and current facility's name and address as the prisoner's mailing address for service;
    - ii. for other parties, utilize the address consistent with MCR 3.203(C);
    - iii. determine whether the prisoner party shall have access to custodial parent's address based on the family violence indicators already assessed for the original support order; and
    - iv. confidential addresses per MCR 3.218 will not be included on copy sent to parties or in other documents contained within the court file.
  - c. In a manner consistent with MCR 3.203, mail copies of all the forms to all parties and their current attorneys, if appropriate, and to the warden or supervisor of the facility where the prisoner resides.
- 11. **Law Clinic Cases.** Upon request by the law school clinic, the Court Clerical Services Department shall provide a hearing date and time scheduled during the times reserved for prisoner support modification hearings. To the extent practicable, law school clinic prisoner cases should be grouped with hearings of prisoners from the same facility.
- 12. **Docket Coordination with MDOC.**
  - a. If the court schedules multiple hearings at the same time, any hearings involving an incarcerated party shall be heard first.
  - b. If hearings are running behind schedule, Court Clerical Services Department shall contact the facility within ten minutes of the scheduled time to provide notice of the delay.
  - c. Shortly before the time that the court will hear matters involving prisoners at a particular facility, Court Clerical Services Department shall call the IVT contact for that facility and request that the DOC initiate the connection to the courtroom's IVT or place a call to the courtroom's teleconference line. Upon being contacted by the court, the DOC shall initiate the electronic communication.

13. **Entry and Service of the Order.** Court Clerical Services Department will assure that orders are prepared, entered and served in a timely manner following prisoner pro per proceedings.

Effective Date: 3-1-05

Date: 2-18-05

Chief Judge Signature: 