



THIRD JUDICIAL CIRCUIT  
OF MICHIGAN

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

VIRGIL C. SMITH  
CHIEF JUDGE

(313) 224-5430

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**STATE OF MICHIGAN**

**THIRD JUDICIAL CIRCUIT COURT ADMINISTRATIVE ORDER 2010 – 02J  
WAYNE COUNTY PROBATE COURT ADMINISTRATIVE ORDER 2010 – 01J**

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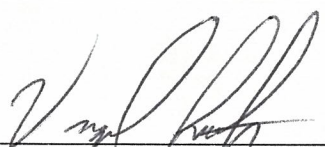
**SUBJECT: ORDER ADOPTING THIRD CIRCUIT FAMILY COURT PLAN**


This Administrative Order rescinds and replaces Administrative Order 2003-04J.

**IT IS ORDERED:**

This Local 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.

**Dated:** January 28, 2010

  
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Virgil C. Smith, Chief Judge  
Third Judicial Circuit

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

**THIRD CIRCUIT FAMILY COURT PLAN**  
(With amendments through January – 2010)

Pursuant to MCL 600.1011, the Chief Judges of the Third Circuit Court and the Wayne County Probate Court adopt the following as the Third Circuit Family 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/Delinquency 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 each of the two Sections of the Family Division are listed in the attached addendum. As changes occur regarding judicial service within either of the Sections of the Family Division, the addendum will be updated and immediately forwarded to the Regional Office of the State Court Administrative Office.

The Judges of each of the Sections of the Family Division 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. Pursuant to MCL 600.1043, staff, Friend of the Court, Family Counseling Services, County Juvenile Officers and Assistant Juvenile Officer, 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 or their designee shall meet regularly with the Director of the Wayne County Department of Children and Family Services 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 Children and Family



Services pursuant to the Memorandum of Understanding executed between the Department of Human Services, the Wayne County Department of Children and Family Services and the Third Circuit Court.

6. 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.

7. The Chief Judge of Circuit Court will manage the facilities of the Third Circuit Court.

8. The Chief Judge of the Circuit Court will manage the budget process for the Third Circuit Court, including the Family Division.

9. 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.

10. 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.

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

## **B. JUDICIAL AND CASE ASSIGNMENTS**

1. The Circuit Court maintains two sections that adjudicate matters within the jurisdiction of the Family Division Third 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 the Coleman A. Young Municipal Center (CAYMC) and child protective services/juvenile section matters are heard at the James E. Lincoln Hall of Juvenile Justice (LHJ).

2. Judicial Allocations:

a. The Chief Judge of the Circuit Court shall have the authority and flexibility to determine the duration of any circuit judge's service to the Family Division.

b. Judges who are assigned to serve in the Family Division – Domestic Relations Section shall have a docket consisting of primarily domestic relations matters and will be located at CAYMC.

c. Judges assigned to serve in the Family Division – Child Protective Services/Juvenile Section shall have dockets consisting of primarily Child Protection, Adoptions and Delinquency matters and will be located at LHJ.

d. So long as the Probate Court has 8 judges, 2 Probate Judges shall be assigned to the Child Protection/Juvenile Section. When a vacancy occurs among the Judges not assigned to the Child Protection/Juvenile Division, the Presiding Judge of the Child Protection/Juvenile Section in consultation with the Chief Judge of Probate Court shall select the judge to fill that vacancy.

e. When a Probate Judge serving in the Child Protective Services/Juvenile Section ceases to serve, the Chief Judge of the Probate Court may propose a Probate Judge to serve in the Child Protective Services/Juvenile Section of the Third Circuit Court exercising jurisdiction pursuant to MCLA 600.1021. The Chief Judge of the Circuit Court may reject that proposal, but must then assign a Circuit Court Judge to replace that retiring Probate Judge.

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 interest of the families and children whose cases are assigned to that judge. The duration of a circuit 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.

4. The district and municipal courts of Wayne County shall be permitted to participate in the Juvenile Cases in District Court (JCDC) program of the Third Circuit Court.

5. Upon a judge leaving service in the Family Division, the judge's assigned cases will be reassigned to a successor judge pursuant to previously approved Case Assignment Local Administrative Orders and Third Circuit Court Docket Directives regarding the transfer of cases.

## **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. The 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 names changes.

c. The Family Division, Child Protective Services/Juvenile Section, located at James H. Lincoln Hall of Juvenile Justice, 1025 East Forest, Detroit, Michigan 48207, will continue to hear cases involving adoption, guardianship, child abuse and neglect and delinquency.

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

e. 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. When a child custody action is brought by a guardian, temporary guardian or limited guardian of a child, the Circuit Court Judge shall confer with the Probate Judge who appointed the guardian and determine whether the child custody action should be reassigned to the probate judge. In the absence of an agreement, the child custody action shall be reassigned.

b. When an annulment action is brought by a guardian, temporary guardian or limited guardian, the Circuit Judge shall confer with the Probate Judge who appointed the guardian and determine whether the annulment action should be reassigned to the Probate Judge. In the absence of an agreement, the annulment shall be reassigned.

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, except where the order relates to a divorce or child custody action already

assigned to a judge, in which case the personal protection order matter will be decided by the assigned judge.

e. Children Absent From Placement Without Legal Permission (AWOLP) Docket: Pursuant to Administrative Order 2003-1, all AWOLP Child Protective Services/Juvenile matters will be assigned to a designated docket.

#### **D. FACILITIES AND RECORDS MANAGEMENT**

1. The Amended Family Plan does not alter the previously developed and approved court records keeping management responsibilities of the Wayne County Clerk.

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.

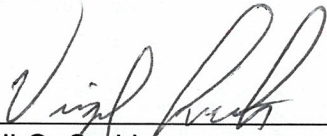
b. The Office of the County Clerk will be available to provide SCAO authorized court forms.

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**

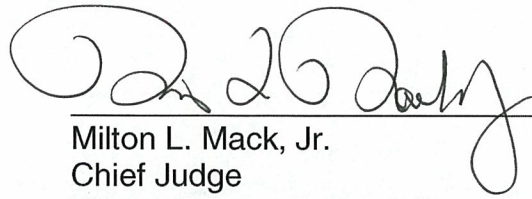
1. Local training shall continue to be available for the Family Division staff on statutory, case law and court rule requirements. The Chief Judge of the Circuit Court will require the attendance of Judges serving pursuant to this Plan to attend training offered pursuant to MCLA 600.1019.

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



Virgil C. Smith  
Chief Judge  
Third Judicial Circuit of Michigan

Date: 2/2/10



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

Date: 2/2/10



## **Addendum**

### **Domestic Relations Section**

Circuit Judge Kathleen M. McCarthy - Presiding  
Circuit Judge Eric W. Cholack  
Circuit Judge Kevin J. Cox  
Circuit Judge Charlene M. Elder  
Circuit Judge Richard B. Halloran  
Circuit Judge Charles S. Hegarty  
Circuit Judge Susan L. Hubbard  
Circuit Judge Muriel D. Hughes  
Circuit Judge Connie Marie Kelley  
Circuit Judge Arthur J. Lombard  
Probate Judge Lisa M. Neilson  
Circuit Judge Lynne A. Pierce  
Circuit Judge Martha M. Snow

### **Child Protective Services/Juvenile Section**

Circuit Judge Virgil C. Smith – Presiding  
Circuit Judge Karen Y. Braxton  
Circuit Judge Jerome C. Cavanagh  
Circuit Judge Christopher D. Dingell  
Probate Judge Lisa M. Neilson  
Probate Judge Frank S. Szymanski