



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

PATRICIA PEREZ FRESARD
CHIEF JUDGE

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

(313) 224-5430
Patricia.Fresard@3rdcc.org

STATE OF MICHIGAN

**THIRD JUDICIAL CIRCUIT COURT ADMINISTRATIVE ORDER 2023 – 06
WAYNE COUNTY PROBATE COURT ADMINISTRATIVE ORDER 2023 – 01J**

SUBJECT: ORDER ADOPTING THIRD CIRCUIT FAMILY COURT PLAN

This Administrative Order rescinds and replaces Third Circuit Court Administrative Order 2014 – 09J and Wayne County Probate Court Administrative Order 2014-01J.

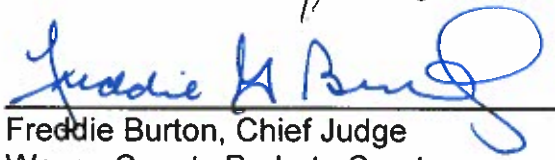
IT IS ORDERED:

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: April 26, 2023



Patricia Perez Fresard, Chief Judge
Third Judicial Circuit of Michigan



Freddie Burton, Chief Judge
Wayne County Probate Court

Date Approved by SCAO: May 5, 2023

THIRD CIRCUIT FAMILY COURT PLAN

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 assigned to the Family Division – Juvenile Section who adjudicate Child Protective/Delinquency matters pursuant to MCL 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 Juvenile Section. The number and names of the judges presently assigned to each of the two Sections of the Family Division are listed in the attached Addendum 1. The Chief Judge in his or her discretion may increase or reduce the number of circuit judges serving in the Family Division depending on his or her review of the needs of the Third Circuit Court. Any such increase or reduction shall be reflected in a revised Addendum 1. As changes occur regarding judicial service within either of the Sections of the Family Division, Addendum 1 will be updated and immediately forwarded to the Regional Office of the State Court Administrative Office. An organizational chart of the Family Division is appended as Addendum 2. As changes occur in the organizational chart, Addendum 2 will be updated and immediately forwarded to the Regional Office of the State Court Administrative Office.
4. The Judges of each of the Sections of the Family Division will hold periodic meetings. In addition, periodic joint meetings of the two Sections shall be held.
5. The Chief Judge of the Circuit Court shall enforce time standards applicable by statute, Supreme Court Administrative Order, and Local Administrative Order. A Docket Review Committee of the Circuit Court shall exist for both the Domestic Relations and the Juvenile Section. The Docket Review Committee of the Juvenile Section shall consist of at least one Probate Judge if any Probate Judge adjudicates Juvenile Section cases.
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 or their designee shall meet regularly with the Director of the Wayne County Department of Health, Human & Veterans Services to evaluate services provided pursuant to court orders. As warranted, services of those agencies identified in MCL 600.1043 shall continue to be coordinated through the Wayne County Department of Health, Human & Veterans Services pursuant to the Memorandum of Understanding executed between the Department of Health, Human & Veterans Services and the Third Circuit Court.

7. Family Division cases shall be initiated as set forth in (D)(2). The court files shall be maintained electronically on the Odyssey Case Management system or, if in paper form, at the site set forth in (D)(2) below or in the Court's storage facility. 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 the Circuit Court will manage the facilities of the Third Circuit Court.

9. The Chief Judge of the Circuit Court will 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 and deliver services to families. The Court will establish a diversity plan with training programs for Family Division Judges and employees to ensure court services are easily accessible by users and that the Court programs and services meet the needs of users of court services.

11. Pursuant to MCR 8.110(B)(2) and MCL 600.1011(3), the Chief Judge of the Circuit Court may appoint a presiding judge of the entire Family Division, or separate presiding judges for each of the two Sections, i.e., the Domestic Relations Section and Juvenile Section.

12. In accord with MCL 552.503(5), the Chief Judge of the Circuit Court will manage the Friend of the Court and will continue efforts to improve the Friend of the Court services provided to families.

13. The Chief Judge of the Circuit Court may add or remove any judge from either the Domestic Relations Section or the Juvenile Section in accord with MCR 8.110(C).

B. JUDICIAL AND CASE ASSIGNMENTS

1. Unless excepted by the Chief Judge of the Circuit Court in this Family Court Plan or otherwise, Domestic Relations matters may be heard remotely via Zoom or in person at the Coleman A. Young Municipal Center (CAYMC), or the Penobscot Building (PNB). Juvenile Section matters may be heard either remotely using Zoom or in person at the James E. Lincoln Hall of Juvenile Justice (LHJ),

Coleman A. Young Municipal Center (CAYMC), or Frank Murphy Hall of Justice (FMHJ).

a. Prejudgment Domestic Relations actions initiated by a referral from the State of Michigan (State initiated) may be heard either remotely via Zoom or at the Friend of the Court facilities at PNB.

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 will be located at CAYMC, unless otherwise designated by the Chief Judge of the Circuit Court. The Presiding Judge of the Domestic Relations Section may maintain two (2) offices – one at CAYMC and one at the PNB location of the Friend of the Court to hear domestic relations matters and carry out administrative responsibilities. The Presiding Judge's staff, including the Sheriff Deputy and Courtroom Clerk assigned to the Presiding Judge, shall accompany the Judge to both locations.

c. Judges assigned to serve in the Family Division – Juvenile Section will be located at LHJ, unless otherwise designated by the Chief Judge of the Circuit Court. Delinquency preliminary hearings will be heard at the Juvenile Detention Facility. Matters where an adult party is in the custody of the Wayne County Sheriff may be heard either at the LHJ or at FMHJ.

d. So long as the Probate Court has 8 judges, 2 Probate Judges may be assigned to serve within the Family Division. At the discretion of the Chief Judge of the Circuit Court, a Probate Judge designated to serve under this Plan may be assigned to the Domestic Relations Section or the Juvenile Section. When a Probate Judge assigned to the Family Division leaves the Division, the Chief Judge of the Probate Court may propose a Probate Judge to serve in the Family Division 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 Probate Judge.

e. The judges assigned to the Family Division shall serve full-time in the Family Division.

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. The duration of a circuit judge's service pursuant to this Plan in either the Domestic Relations

Section or the Juvenile Section shall be a minimum of three years, unless otherwise directed by the Chief Judge of the Circuit Court.

4. The district and municipal courts of Wayne County shall be permitted to participate in the Juvenile Cases in District Court (JCDC) concurrent jurisdiction program of the Third Circuit Court, upon compliance with the requirements in MCL 600.401, *et seq.*, and Mich S Ct Administrative Order 2003-1.

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. Case assignments will continue to be identified by case type codes, as per 1996 PA 388.

i. The Family Division – Domestic Relations Section 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.

ii. The Family Division – Juvenile Section will continue to hear cases involving adoption, child abuse and neglect, juvenile guardianship, and delinquency.

b. In accordance with MCR 8.111(B), all new judicial case assignments, except as otherwise stated, will be randomly drawn by lot to the Judges assigned to the appropriate Section of the Family Division. When two or more matters within the jurisdiction of a Section 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 immediate family.

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

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. When a new child custody case is brought by an individual who became a guardian, temporary guardian, or limited guardian of a child through a Probate Court proceeding, the Circuit Court Judge shall confer

with the Probate Judge who appointed the guardian and determine whether the child custody case should be reassigned to the Probate Judge. In the absence of an agreement, the child custody case shall be reassigned to the Probate Court.

b. When an action for divorce, annulment of a marriage, or emancipation of a minor is brought by an individual who became a guardian, temporary guardian, or limited guardian through a Probate Court proceeding, the Circuit Judge shall confer with the Probate Judge who appointed the guardian. If it is determined by the Probate Court Judge that the guardianship is no longer necessary, the action shall be adjudicated by the Domestic Relations Judge.

c. When a proceeding for child custody is commenced in the Domestic Relations Section that involves a child who is already the subject of a child protective proceeding pending before the Juvenile Section, the child custody action shall be referred to the Juvenile Section judge for determination.

d. When a child protective proceeding is commenced in the Juvenile Section regarding a child who is already subject to a child custody proceeding in the Domestic Relations Section, the child custody proceeding shall be referred for determination to the Juvenile Section Judge already assigned to the child protective proceeding. If the Juvenile Section Judge finds there is jurisdiction over the Juvenile Section case, then the Juvenile Judge shall fully adjudicate the child custody proceeding, including making the child custody determination. The case shall then be referred back to the Domestic Relations Judge or their docket successor for all post-judgment matters.

e. Parental Consent Waivers: All parental consent waivers shall continue to be assigned on a rotation basis within the Domestic Relations Section.

f. Personal Protection Orders: All matters concerning personal protection orders shall continue to be assigned to the Personal Protection docket and heard by the Domestic Relations Judges on a rotation basis, except that when a personal protection matter relates to a currently pending Family Division action that is not a personal protection action, the personal protection matter will be decided by the judge to whom the Family Division action is assigned.

g. Children Absent from Placement without Legal Permission (AWOLP) Docket: Pursuant to Local Administrative Order 2003-1 or its successor, all AWOLP matters will be assigned to a designated Juvenile Section docket.

D. FACILITIES AND RECORDS MANAGEMENT

1. This Family Court Plan does not alter the previously developed and approved court records keeping management responsibilities of the Wayne County Clerk. The County Clerk shall be afforded the opportunity to participate in the development of plans for the management of court records.

2. The Family Division records will be filed as follows:

a. Cases and records involving abuse and/or neglect of minors, delinquency, and juvenile guardianship will continue to be filed with and maintained by the County Clerk at Lincoln Hall of Justice, by email directed to: wcc-jv-courtsev@3rdcc.org, or by USPS mail directed to: Lincoln Hall of Justice, 1025 East Forest, Detroit, MI 48207, Attn: Room 330A. Cases and records involving adoptions will continue to be filed by email directed to: Adoptions@3rdcc.org or by USPS mail directed to: Adoptions Unit, Lincoln Hall of Justice, 1025 E. Forest. Fourth Floor, Detroit, Michigan 48207; these records shall be maintained by the Adoptions Unit.

b. Cases and records involving divorce, child custody, parenting time, spousal support, emancipation of minors, and name changes shall be filed with the County Clerk in Room 201 CAYMC or through available electronic means. Parental consent waivers are filed with the Presiding Judge's courtroom. Requests for personal protection orders shall be filed with the County Clerk in Room 928 CAYMC or through available electronic filing. Paternity, child support, and interstate child custody matters initiated by private litigants will be filed with the County Clerk in Room 201 CAYMC; paternity, interstate child support, and child support matters initiated by a referral from the State of Michigan shall be filed with the Friend of the Court at PNB. After filing, the listed cases and records shall be maintained by the County Clerk, with the exception of those matters filed with the Friend of the Court, which shall be maintained by the Friend of the Court.

3. Obtaining Court Records and Forms.

a. Domestic Relations Court Files: Access to Domestic Relations court files that are filed at CAYMC may be obtained in person at the Wayne County Clerk's Record Room, LL-61, in the basement of the Coleman A. Young Municipal Center or via email request to wcrecordroom@waynecounty.com; copies of filed documents may be obtained for a fee. Copies of Domestic Relations files that are filed with FOC at PNB may be obtained by submitting a completed FD/FOD Form 4022 in person at the FOC cashier's window on the first floor of PNB or by USPS mail directed to: Wayne County Friend of the Court; P.O. Box 31-1443, Detroit, MI 48231-1405; a fee is charged for copies. Verified statements filed in domestic relations actions involving minors or in which

child support or spousal support is requested are confidential under MCR 3.206(C)(2) and cannot be released to anyone other than the judge, the parties, or the attorneys for the parties, without a court order. Documents listed in MCR 3.229 that were identified as confidential by the filer and were served on the other party(ies) are nonpublic. In addition, pursuant to MCR 1.109(D)(9), protected personal identifying information will be redacted from documents that are publicly available.

b. Juvenile Court Files: There is no public access to Juvenile court case files, MCR 3.925(D)(1) or to records designated as confidential pursuant to court rule or statute subject to the exceptions in the court rules, statutes, or case law and with the permission of the assigned judge or their alternate. Only persons with a legitimate interest in the case files as described in MCR 3.925(D)(1) may obtain case records from the Wayne County Clerk's Office in the basement of LHJ; copies of these documents may be obtained for a fee after submission of the proper form requesting access that establishes the required legitimate interest. Further, confidential records may only be obtained by filing a motion in accord with MCR 3.925(D)(2), obtaining an order allowing the requested access, and paying a copying fee.

c. Adoption Files: All hard copies and converted microfilm copies of Adoption files from years 1901 through current are maintained by the Adoptions Unit of the Third Circuit Court. Adoption files are only accessible in accord with the procedures given in the Adoption Code, MCL 710.67-710.68b.

d. Forms: State Court Administrative Office authorized court forms may be obtained online from the State Court Administrative Office website. Third Circuit Court forms may be obtained online from the Third Circuit Court website.

4. 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 youth who are detained at the facility pursuant to court order.

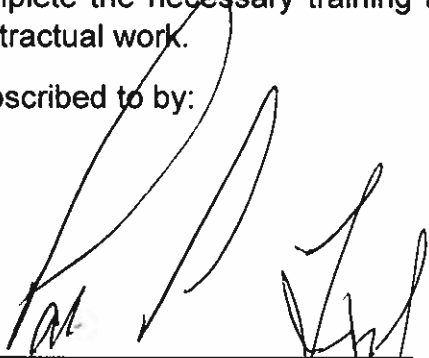
E. TRAINING AND STAFF

1. Continuing Education: Legal 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 Judges and staff serving pursuant to this Plan to attend training offered pursuant to MCL 600.1019.

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


3. Contractor or Appointee Training: The Third Circuit Court may require individuals who enter into service contracts or attorneys who accept appointments from the Family Division to have training in court procedures and practices, and to complete the necessary training as a condition precedent to court-appointed or contractual work.

Subscribed to by:



Hon. Patricia Perez Fresard
Chief Judge
Third Judicial Circuit of Michigan

Date: MAY 09 2023



Hon. Freddie G. Burton, Jr.
Chief Judge
Wayne County Probate Court

Date: 5-9-2023

Addendum 1

Family Division Judicial Officers

Domestic Relations Section

Circuit Judge Melissa A. Cox - Presiding
Circuit Judge Yvonna C. Abraham
Circuit Judge Eric W. Cholack
Circuit Judge Susan A. Dabaja
Circuit Judge Helal A. Farhat
Circuit Judge Alexis A. Glendening
Circuit Judge Nicole N. Goodson
Circuit Judge Mary Beth Kelly
Circuit Judge Carla G. Testani
Circuit Judge Regina Triplett
Circuit Judge Darnella Williams-Claybourne

Juvenile Section

Circuit Judge Cylenthia LaToye Miller – Presiding
Circuit Judge Karen Y. Braxton
Circuit Judge Jerome C. Cavanagh
Circuit Judge Christopher D. Dingell
Probate Judge Michael J. McClory
Probate Judge Frank S. Szymanski

Addendum 2

ORGANIZATIONAL CHART

Family Court Plan for Third Circuit Court and Wayne County Probate Court

