



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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LOCAL ADMINISTRATIVE ORDER 2010 – 14

STATE OF MICHIGAN  
THIRD JUDICIAL CIRCUIT

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**SUBJECT: FAMILY DIVISION – JUVENILE CASE ASSIGNMENT**

This Administrative Order rescinds and replaces Administrative Order 2009-03.

**IT IS ORDERED:**

1. This Local Administrative Order is issued in accordance with Michigan Court Rules 8.110 and 8.111, and sets forth the method to be used for assigning cases within the Family Division-Juvenile Section of the Third Circuit Court.
2. All cases will be assigned “by lot” to judges and scheduled before their respective team referees in the Family Division-Juvenile Section within the following case type categories, all Delinquency Proceedings (DL) and all Child Protective Proceedings (NA) initiated by petitions under the Juvenile Code.
  - a. All hearings on Delinquency Proceedings (DL) that begin with the youth **in custody** shall be heard by a designated referee docket. The case shall remain on this docket through disposition, and if review is needed, will be heard by the jurist of record. This will include cases in which the youth has been released from custody after the initial hearing.
    - i. All judge demands from this docket shall be scheduled on the assigned judge’s docket after completion of the first scheduled hearing.

- ii. If the youth has an “open” or “pending” case as defined in paragraph 10 below, the current case will be set before the jurist of record.
    - iii. Co-defendants will be heard together, whenever possible, and case assignment will be determined as defined in paragraph 10 below.
  - b. All Delinquency Proceedings (DL) that begin with the youth **not in custody** will be assigned “by lot” to judges and scheduled before their respective team referees in the Family Division-Juvenile Section. All judge demands from these cases will be assigned to the team judge.
  - c. All initial hearings on Child Protective Proceedings (NA) shall be heard by a designated referee docket. All subsequent court hearings shall be scheduled before the referee assigned at case initiation. All judge demands shall be forwarded to the assigned judge after completion of the first scheduled hearing.
3. All Designated Juvenile Offenses (DJ) will be assigned “by lot” to judges in the Family Division-Juvenile Section with the exception of the Presiding Judge of the Division, who will be responsible for presiding over the preliminary examination on all cases within 14 days of the arraignment on the warrant.
  4. All new petitions for full guardianship of a minor (GM) or a juvenile guardianship (JG) originating from a referee’s docket will be assigned to the team judge within the Family Division-Juvenile Section.
  5. Pursuant to Local Administrative Order 2003- 01, AWOLP cases shall be assigned to a designated juvenile judicial docket within the Family Division- Juvenile Section.
  6. For purposes of administrative efficiency, all petitions for adoptions (AB, AC, AD, AF, AG, AM, AN, AO, AY) and all releases to adopt (RB, RL) are to be assigned to a designated judicial docket within the Family Division-Juvenile Section.
  7. For administrative efficiency, all traffic and local ordinance (TL) cases are to be assigned to the Presiding Judge of the Division, and the preliminary inquiry is to be conducted by probation officers that have been designated by the Court as referees pursuant to MCL 712A.10.
  8. For administrative efficiency, all personal protection petitions (PJ) brought against a respondent under the age of 18 are assigned to a designated docket within the Family Division-Domestic Relations Section.

9. A new petition shall be assigned to a specific judge, if the judge was previously assigned to a case and jurisdiction was terminated within twenty-four months, involving the following.

- a. the delinquency of the child or sibling(s);
- b. the neglect/abuse of the child or sibling(s);
- c. any family member;
- d. the guardianship of the child.

If jurisdiction was terminated in excess of twenty-four months, then the new petition is to be assigned "by lot" pursuant to paragraph 2 above.

10. In delinquency actions, a pending case is one in which a disposition has not been imposed. An open case is one for which the judge has not yet signed and filed an order closing probation or terminating jurisdiction according to Public Act 150, 1974. When a respondent has both a pending and open case, assignment is based upon the open case. When a new case has multiple respondents, the judge with the oldest petition receives all the respondents.

11. In child protective proceedings, a pending case is one that has not yet been adjudicated. An open case is one in which post-dispositional hearings are scheduled.

12. The same judge and respective team referee must adjudicate all pending and open petitions when a respondent has multiple petitions. The same judge and respective team referee must adjudicate all pending and open petitions when there are multiple respondents.

13. A reissued petition that was previously dismissed shall receive a new petition number and will be assigned to the judge and respective team referee who dismissed the earlier petition.

Dated: June 15, 2010

  
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Virgil C. Smith, Chief Judge  
Third Circuit Court