



State Court Administrative Office

# Family Court Plan Requirements and Guidelines

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# TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>01</b>
<b>II.</b>	<b>PLAN REQUIREMENTS AND GUIDELINES .....</b>	<b>01</b>
	A. General .....	01
	B. Judicial Resources/Service.....	02
	C. Assignment of Cases .....	03
	D. Administration .....	04
	E. Records Management .....	04

## I. Introduction

Pursuant to MCL 600.1011, as amended by 2002 PA 682, each judicial circuit is required to establish a family court plan (FCP or “the Plan”) to be reviewed and revised periodically and submitted for approval to the Michigan Supreme Court. Supreme Court Administrative Order 2003-2 requires the family court plan to be submitted for approval by the State Court Administrative Office (SCAO) in accordance with the statute and guidelines provided by the SCAO.

Family court plans were initially required to be filed with and approved by the SCAO no later than July 1, 2003. Chief circuit and chief probate judges must periodically review existing family division plans, as necessary, but minimally every 2 years, to ensure that plans meet these requirements and reflect the actual practice of the family court in their judicial circuit. [MCL 600.1011(7).] Amended family court plans are required to be approved by the SCAO and may not be implemented until written approval is given. [MCL 600.1011(7); Administrative Order 2003-2].

Family court plans must conform to the following requirements and guidelines which incorporate many of the requirements and guidelines adopted for initial implementation of the family division and include revisions consistent with 2002 PA 682.

Plans must include provisions that ensure that a judge’s service in the family division is consistent with the requirement to develop sufficient judicial expertise in family law. [MCL 600.1011(3); Administrative Order 2021-7]. This may be addressed in the introductory section.

## II. Plan Requirements and Guidelines

### A. General

1. The family division is created as a division of the circuit court. [MCL 600.1001]
2. Effective 1/1/1998, references to the former juvenile division of the probate court are construed to be a reference to the family division of the circuit court. [MCL 600.1009]
3. Plans submitted to the SCAO must follow the format of SCAO’s [Model Family Court Plan](#).
4. Plans that detail how the family division will be operated are referred to as “family court plans”. [MCL 600.1011(1)]
5. Plans must state that the chief circuit judge and chief probate judge shall enter into an agreement establishing how the family division will be operated in the circuit and how the services will be coordinated. The chief

judge of the circuit court has authority to determine the duration of a judge's service pursuant to the family court plan in furtherance of this goal.

6. Plans must confirm all judges assigned to family court have expressed an interest in supervising family law cases through the end of their term, or explain the chief judge's justification for the assignment when no such interest has been expressed. Selections for assignment to a family court seat must further the requirement to develop sufficient judicial expertise in family law to properly serve the interests of families and children. [MCL 600.1011(3)]
7. Plans involving a multi-judge family division must provide for the selection of a presiding judge of the family division, made by the chief judge of the circuit court after consulting with the judges serving in the family division. [MCR 8.110(B)(2)]
8. Separate plans must be developed for the counties in a probate court district where there are counties located in different judicial circuits. [MCL 600.1011(1); Supreme Court Administrative Order 2003-2]
9. Plans must state that there will be periodic review and revision of the Plan, as necessary, and at least every 2 years, by the chief circuit and chief probate judge(s). Plans may require a review and revision of the Plan more frequently than every 2 years, including whenever a change to actual practice is anticipated, such as the identity of judges serving pursuant to the Plan as required under B(1) below.
10. Plans must state that the family court plan supersedes prior plans that have been approved for the operation of the family division. [Supreme Court Administrative Order 2003-2]
11. Plans must contain a statement/outline of how their structure supports the "one family-one judge" requirement in MCL 600.1023.

**B. Judicial Resources/Service**

1. Plans must address the number of judges who will serve in the family division and must specifically identify all judges serving pursuant to the Plan. [MCL 600.1011(6); Supreme Court Administrative Order 2003-2]
2. Plans must provide for the anticipated term of each judge's service in the family division. It is anticipated that family court judges will be assigned for the remainder of their term, and any deviation from that standard must include an explanation as to how that deviation will best support the "one family-one judge" requirement, as well as the requirement for developing judicial expertise. [MCL 600.1011(3); MCL 600.1023].

3. All judges included in the family court plan are required to attend training by the Michigan Judicial Institute (MJI). This requirement is in accordance with, not in addition to the Michigan Continuing Education Rules. [MCL 600.1011(4); MCL 600.1019; Michigan Continuing Judicial Education Rules]
4. Plans must provide that judges should serve full-time in the family division to further the goals of the family division, under MCL 600.1011(3), and where sufficient caseload and judicial resources exist. For any partial assignment the Plan must disclose the percentage of new filings by case type assigned to each judge.

C. Assignment of Cases

1. Plans must state how cases will be assigned to judges serving in the family division, recognizing the applicability of MCR 8.111 - Assignment of Cases. [MCR 8.111(B)]
2. Unless otherwise specified in the Plan, case types included within family division assignments are AB, AC, AD, AF, AG, AM, AN, AO, AU, AY, DC, DJ, DL, DM, DO, DP, DS, DZ, EE, EJ, EM, EP, ER, EV, EZ, FH (only felony non-payment of child support), ID, JA, JG, NA, NB, NC, PH, PJ, PO, PP, PW, TL, UE, UF, UI, UM, UN, VF, and VP. The ancillary case types that may be included in the Plan, if concurrent jurisdiction plans or other court configurations require it are CA, CY, DD, GA, GL, GM, JA, LG, MI, NC, and PO. (List the case types included in your court's family division case assignments plus any local case types in addition to these. The plan must specify what, if any, of these listed case types are NOT being used in case assignment.) [MCL 600.1021; MCL 400.643(a); MCL 333.5204(4); MCL 691.1805]
3. For multi-judge courts, plans must include the court's definition of "family", "family member", and "pending" for purposes of aligning cases to the "one family-one judge" requirement. Cases involving members of the same family is defined as "When 2 or more matters within the same jurisdiction of the family division of circuit court involving members of the same family are pending in the same judicial circuit, those matters, whenever practicable, must be assigned to the judge to whom the first case was assigned." [MCL 600.1023]
4. Plans must include a description of their process for aligning cases with the "one family-one judge" requirement. The Plan must also include the court's criteria and/or process for determining when alignment with the "one family-one judge" requirement is not practicable. [MCL 600.1023]
5. Plans should describe how the assignment procedures support the "one family-one judge" requirements with concurrent cases. (For example, paternity cases with concurrent NA, DL, or DJ cases.)

6. Plans must address how cases will be assigned as a result of disqualification of judges as provided for in MCR 8.111(C)(1). Cases must be reassigned first within the court's family division, next within the court's remaining bench, and finally by SCAO assignment.
7. Plans should address whether, when a judge's service in the family division ends, pending cases will be reassigned to another family division judge or will be resolved by that judge. [MCL 600.1011(5)].

#### D. Administration

1. Plans must address specific elements of the administrative structure. Plans must include an organizational chart for the family division. [MCL 600.1043; MCR 3.215]
  - a. Within this section, the Plan should describe the utilization of staff and should:
    - i. Identify the staff positions (i.e. referees, ADR, juvenile officers, friend of the court staff) that will serve in the family division.
    - ii. Describe how their service/usage advances the goals of the court's family court plan.
2. Plans may provide for review of facilities to determine the best ways to meet the needs of families using the family division. Plans may provide that this review occur during any modification or construction of new facilities. The review should consider the following: compliance with MCR 2.408 and other remote proceedings requirements; locations for childcare during hearings or other meetings; locations for supervised parenting time; locations for attorney/client meetings; ways to limit danger of injury to court employees, the public, and records; and safe access to facilities during non-traditional hours if needed.
3. Plans involving a court where there is a youth detention facility must indicate who is responsible for operation of the facility and should identify the position of facility manager within appropriate lines of authority. Designation of the facility manager should be flexible in accordance with local needs.

#### E. Records Management

1. Plans must clearly define the process and place for filing court documents by the public and the bar.
2. Plans must designate a central access point, for all counties in the circuit, to provide the public and bar information regarding the family division and related activities, such as where to file documents, records storage,

records access, and case scheduling information.

3. Plans must designate the County Clerk as Clerks of the Court for the Family Division of the circuit court. [MCL 600.1007] The clerk of the probate court shall maintain every record created by or filed with the probate court. (MCL 600.832)
4. Plans must indicate that the county clerk has been afforded the opportunity to participate in the development of plans for management of court records. The county clerk may submit a letter with plans indicating concurrence or disagreement with plans regarding management of court records, which the chief judge must submit to the SCAO when the family court plan is filed. [Supreme Court Administrative Order 2003-2; MCL 600.1007]
5. Plans may address the internal transfer of files and documents, including development of electronic bridges and security of file materials and court personnel. Plans must ensure that judges and referees serving in the family division have access to files of other family division cases as soon as technologically possible for that court.