

Model Family Division Plan

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF \_\_\_\_\_

FAMILY COURT PLAN  
FOR THE \_\_\_\_\_ CIRCUIT COURT  
AND THE \_\_\_\_\_ COUNTY PROBATE COURT

LOCAL ADMINISTRATIVE ORDER

Circuit Court Joint Local Administrative Order \_\_\_\_\_

Probate Court Joint Local Administrative Order \_\_\_\_\_

Rescinds Circuit Court Joint Local Administrative Order \_\_\_\_\_

Rescinds Probate Court Joint Local Administrative Order \_\_\_\_\_

FAMILY DIVISION ESTABLISHMENT

I. INTRODUCTION

- A. Authority. 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”). Supreme Court Administrative Order 2003-2 requires the family court plan to be submitted for approval to the State Court Administrative Office (SCAO) for filing in accordance with the statute and guidelines provided by the SCAO. The chief circuit judge and the 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 the authority to determine the duration of a judge’s service pursuant to the family court plan in furtherance of this goal. *(If your court has a multi-judge family division and the chief judge has selected a presiding judge to serve in that capacity, add this language (without the underline) to the required paragraph. “This court has a multi-judge family division and the chief judge has selected a presiding judge to serve in that capacity. See Appendix A for further detail.” If this doesn’t apply to your court, do not add this language.)*
- B. Goals. The goal(s) of this FCP are described below. *(Describe the overall goals of your court’s family plan. Examples of goals, in addition to the “one family-one judge” requirement, that might be relevant for your court include, but are not limited to: subject matter expertise, access to information from all relevant files, efficient court operation, consistency and predictability for families, and/or something more specific to your community.)*
- C. Operation. This FCP supersedes prior plans that have been approved for the

operation of the family division. This Plan will be reviewed and revised as necessary including when family division judicial assignments change, and at least every 2 years, by the chief circuit and chief probate judges to ensure that the Plan meets the statutory requirements and complies with the Family Court Plan Requirements and Guidelines provided by the SCAO. *(This section should include if and how the review process will occur when there is a change to actual practice, such as identity of judges serving.)*

## II. ADMINISTRATION

### **This Section shall include:**

#### A. JUDICIAL RESOURCES / SERVICE

1. Family Division Judges. All judges assigned to the family division have expressed an interest in overseeing family law cases through the end of their term. *(The list will state the total number of judges assigned to the family division, identify each family division judge by name and include their anticipated term on the family division bench, including when they started serving in the family division and when their current term expires. Continuity, development of an expertise in family law, and a minimum of 6 years of service is encouraged when setting terms, assigning, or reassigning judicial resources. This section should include explanation for any judge included here who did not express interest in overseeing family law cases. It is anticipated that family division judges will be assigned for the remainder of their term. Any deviation from that standard must include an explanation as to how that deviation supports the “one family-one judge” requirement and the development of judicial expertise requirements of MCL 600.1011(3) and MCL 600.1023, respectively.)*
2. Judicial Expertise. Each judge listed above may attend New Judge Orientation as well as continued training consistent with MCJE rules, and is encouraged to attend training that informs the position and current skillset. Training opportunities are provided by the Michigan Judicial Institute (MJI), under MCL 600.1019. *(Please describe in detail your FCP judicial education resources and requirements that properly serve the interests of families and children.)*
3. Judicial Service. All judges in “the Plan” will serve full time in the family division, under MCL 600.1011(3), where sufficient caseload and judicial resources exists. For any partial assignment the Plan must disclose the percentage of new filings by case type assigned to each judge.

#### B. ASSIGNMENT OF CASES

Cases involving members of the same family (aka “one family-one judge”) 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, shall be assigned to the judge to whom the first case was assigned.” [MCL 600.1023] The term “whenever practicable” is not defined in statute but generally means to the greatest extent

possible to further the goals of the family court plan described in section I(B).

1. Case Assignment. Cases are assigned randomly, as provided for under MCR 8.111 or as otherwise provided in accordance with 8.112(B), except for those cases identified to be those of a family member within the jurisdiction of the family court.

2. *(For Multi-Judge Courts Only)* Definitions.

For purposes of this FCP, the term “family” means:

For purposes of this FCP, the term “family member” means:

For purposes of this FCP, the term “pending” means:

*(Define “family”, “family member” and “pending” as used when applying the “one family-one judge” requirement of MCL 600.1023 and the process used to assign cases whenever practicable to the same judge. For example, courts could define “family member” as family related by law or biology to one parent or same parents. Courts should indicate a timeframe when defining “pending” for assignment of prior matters, including closed or inactive cases.)*

3. One Family-One Judge. Describe the process for aligning cases with the “one family-one judge” requirement and define the criteria and process for determining when alignment of cases with the “one family-one judge” requirement is not practicable. *(Definitions may vary by court but must be described in the Plan. Examples might include after-hours verbal ERPO requests by law enforcement or criminal violations of personal protection orders.)*
4. Prior Matters. When cases or motions are filed, the clerk’s office shall review the case inventory and court records to see if the family, as defined herein, has a prior pending matter, as defined herein.
5. Case Types. The primary case types of the family division 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, PH, PJ, 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.)*
6. Concurrent Cases. *(Describe how these assignment procedures support the “one family-one judge” requirements with concurrent cases. For example, paternity cases with concurrent NA, DL, or DJ cases.)*

## C. REASSIGNMENT OF CASES

1. Disqualifications. Disqualifications will first be handled as described under MCR 8.111(C)(1). Cases must be reassigned first with the court's family division, then within the remaining bench, and finally by SCAO assignment.
2. Transfer. *(Describe procedures to transfer caseloads to successor judges. This section should address whether and when a judge's service in the family division ends, unresolved cases will be reassigned to another family division judge or will be resolved by that judge.)*
3. Dispute. Any dispute on proper reassignment shall be resolved by the chief judge and/or the presiding family division judge, should one be appointed.

## D. STAFFING AND FACILITIES

1. Administrative Structure. A family division organizational chart is included as Appendix A. *(This section should identify the referees, ADR, juvenile officers, and friend of the court positions serving the family division. Please describe how these positions and their respective duties are used and how they advance the goals of the FCP.)*
2. Remote Proceedings. *(Describe how the FCP complies with MCR 2.408 and other remote proceeding requirements.)*
3. Facilities. *(Describe any facilities provided under the family court plan to further the goals of the family plan. e.g., places for childcare during hearings or other meetings, supervised parenting time, places for attorney/client meetings, safe access during non-traditional hours, how the family division fits within the overall security of the court, etc. Describe any method of periodic review that is undertaken to consider improvements to facilities in the furtherance of the goals of the family court plan.)*

## E. RECORDS MANAGEMENT

1. Clerks of the Court. The *(insert county name)* County Clerk is designated as the Clerk of the Court for the Family Division. The *(insert county name)* probate clerk shall maintain every record created by or filed with the probate court.
2. Plan Development. The County Clerk has been afforded the opportunity to participate in the development of plans for management of court records. Any letter of concurrence or disagreement with the Plan authored by the County Clerk regarding management of court records shall be submitted to the SCAO with the submission of the Family Court Plan for approval.
3. Filing. *(Describe the process and place for the filing of family division documents by the public and the bar. e.g., where to file documents, records storage, records access, case scheduling information.)*

4. *Access Point. (Please 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, including online information.)*
5. *Internal Transfer. (Describe, if applicable, the internal transfer of files and documents, including the development of electronic bridges, security of file materials, and court personnel.)*
6. *Technological Access. (Please describe how this FCP ensures timely technological access to all family division cases for all family division judges and referees.)*
7. **Public Access. This FCP is posted on the court's website and is otherwise publicly available upon request.**