26th CIRCUIT COURT

K. Edward Black
CHIEF JUDGE

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ALPENA COUNTY
MONTMORENCY COUNTY

STATE OF MICHIGAN

IN THE 26TH CIRCUIT COURT
FOR THE COUNTIES OF ALPENA AND MONTMORENCY

FAMILY COURT PLAN LOCAL

ADMINISTRATIVE ORDER

26th Circuit Court Joint Local Administrative Order C26 2026-02J
Rescinds C26 2025-02J

Alpena Probate Court Joint Local Administrative Order P04 2026-02J
Rescinds P04 2025-01J

Montmorency Probate Court Joint Local Administrative Order P60 ~~2026-02~~J
Rescinds P60 2025-01J

FAMILY DIVISION ESTABLISHMENT

I. INTRODUCTION

A. Authority. Pursuant to MCL 600.1011, as amended by 2002 PA 682, each judicial circuit must establish a Family Court Plan (FCP). 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. This dual county circuit 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.

B. Goals. The purpose of this Plan is to promote the efficient, effective, and coordinated delivery of family-related judicial services, ensure subject-matter expertise, maintain access to comprehensive case information, and fulfill the "one family-one judge" principle.

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. When there is a change to actual practice, such as identity of judges serving, the chief circuit and chief probate judges shall meet to determine if the existing FCP shall be modified. Any modifications will be submitted to the SCAO for final approval.

II. ADMINISTRATION

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 Family Division judges that are currently assigned cases are provided in **Appendix A**.

2. Judicial Expertise.

Each judge listed in Appendix A may attend New Judge Orientation as well as continued training consistent with MCJE rules and is encouraged to attend training that enhances the knowledge and skills required for the position. Training opportunities are provided by the Michigan Judicial Institute (MJI), under MCL 600.1019.

3. Judicial Service

All judges assigned under this Plan will serve full time in the family division, under MCL 600.1011(3), where sufficient caseload and judicial resources exist.

B. ASSIGNMENT OF CASES

The Court implements the "one family-one judge" principle established by MCL 600.1023, which provides: "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." 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 MCR 8.112(B),

except for cases identified as involving a family member within the jurisdiction of the family court.

2. **Definitions:**
   - "Family": Individuals related legally or biologically.
   - "Family member": Related by law, biology, or guardianship.
   - "Pending" means any family division case that has not been finally disposed of or closed by court order, including matters awaiting adjudication, review, post-judgment proceedings, or enforcement.

3. **One-Family-One Judge.**
The 26th Circuit Court implements the "one family-one judge" principle in accordance with MCL 600.1023, which promotes judicial consistency and informed decision-making in cases involving the same family.

a. Alignment. The Court aligns cases based on a county-specific assignment. In Alpena County, all family division cases are assigned to the sole circuit judge, who hears all related family matters. In Montmorency County, the probate judge is assigned as the family division judge and presides over all family cases originating in that county. If a related case is identified, the new case is assigned to the same judge within the same county. Cross-county assignments between Alpena and Montmorency are not made, consistent with judicial assignments and statutory limits on cross-county jurisdiction.

b. **When Alignment is Not Practical.** Although the Court prioritizes alignment, exceptions may occur when it is not practicable, including the following circumstances:

   i. Emergencies and After-Hours Proceedings:
      - Emergency requests such as verbal Extreme Risk Protection Orders (ERPOs) or juvenile pick-up orders may be handled by an available judge regardless of prior assignments.

   ii. Conflict or Disqualification:
      - If the assigned judge has a conflict or is disqualified under MCR 2.003, the case is internally reassigned to a different judge, which may break alignment.

   iii. Geographic and Judicial Limits:

- Because family division jurisdiction is county-specific, family cases arising in Alpena County cannot be assigned to the Montmorency County probate judge, and vice versa.

iv. Criminal Cases Involving PPO Violations or Related Offenses:

- While criminal violations related to family matters (e.g., PPO violations, domestic violence) are tracked, such cases may remain assigned to a judge outside the family division due to judicial workload or statutory jurisdiction.

- However, coordination between judges may occur to ensure consistent treatment when appropriate.

v. Administrative Need or Caseload Balancing:

- In rare instances, reassignment may occur to ensure judicial efficiency or accommodate scheduling constraints, consistent with local administrative order or Chief Judge approval.

4. **Prior Matters.** When cases or motions are filed, the clerk's office shall review the case inventory and court records to determine whether the family has a prior pending matter.

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 (felony non-payment child support), ID, JA, JG, NA, NB, PH, PJ, PP, PW, TL, UE, UF, UI, UM, UN, VF, VP.

Ancillary case types: CA, CY, DD, GA, GL, GM, JA, LG, MI, NC, PO.

6. **Concurrent Cases.** The 26th Circuit Court supports the "one family-one judge" model by assigning concurrent cases involving the same family to a single judge within the same county whenever practicable. This approach ensures consistency in judicial decision-making, reduces duplication of proceedings, and improves outcomes for children and families.

a. Identification of Concurrent Cases

i. At the time of filing, court staff review new family division cases to determine whether they involve a

party, child, or family currently involved in any of the following proceedings:

a. NA (Neglect/Abuse) under MCL 712A.2(b);

b. DL (Delinquency) under MCL 712A.2(a);

c. DJ (Designated Juvenile Proceedings);

d. Paternity and Custody Cases;

e. Child Support or FOC Proceedings;

f. Adoption or Termination of Parental Rights;

g. Personal Protection Orders involving a parent or child;

h. Cases are cross-referenced using the court's case management system to identify shared parties or common children.

b. Assignment Procedure. If concurrent proceedings are identified:

1. Single-Judge Assignment Within County
All family division cases involving the same child(ren) or parent(s) are assigned to the same judge within the same county, unless impracticable. For example: A paternity case and an abuse/neglect case involving the same child will be assigned to the same judge. A delinquency (DL) case for one sibling and a neglect (NA) case involving another sibling with the same parent(s) will be assigned to the same judge.

2. Alpena County Cases
All family division matters are assigned to the sole circuit judge, who presides over all concurrent family cases involving Alpena County families.

3. Montmorency County Cases
All family division matters are assigned to the Montmorency County probate judge, as designated under MCL 600.1011, for all concurrent family matters arising in Montmorency County.

4. Cross-County Cases
If family members are involved in proceedings in both counties, cases remain with their respective judges due to county-based judicial assignments. However, judges may coordinate hearings or share information consistent with confidentiality rules to avoid conflicting orders and ensure judicial consistency.

C. REASSIGNMENT OF CASES

1. **Disqualifications.** Disqualifications will first be handled as described under MCR 8.111(C)(1). Cases must be reassigned first within the court's family division, then within the remaining bench, and finally by SCAO assignment.

2. **Transfer.** When a judge's service in the family division ends, the 26th Circuit Court follows structured procedures to ensure an orderly transition and continuity of judicial oversight, consistent with MCL 600.1023 and administrative best practices.

   a. Alpena County. In Alpena County, the sole circuit judge presides over all family division matters. If the circuit judge's service ends, whether due to retirement, elevation, reassignment, or other departure, the Court proceeds as follows:

      i. Interim Coverage. The Chief Judge or the State Court Administrative Office (SCAO) may assign a visiting judge or temporary judicial officer to handle urgent or time-sensitive matters, including child protective proceedings and delinquency hearings.

      ii. Successor Assignment. Once a new circuit judge is elected or appointed, all unresolved or pending family division cases are administratively reassigned to that judge, unless already resolved by a visiting or acting judge. The successor judge assumes full jurisdiction over all cases, including those involving the same families previously heard by their predecessor, to maintain the one family-one judge model.

      iii. Pending Matters. If the departing judge remains available by assignment, that judge may resolve specific matters already under advisement or partially heard, subject to approval by the Chief Judge and the parties' rights under MCR 2.613(B).

b. Montmorency County. In Montmorency County, the Chief Judge assigns the Montmorency probate judge to serve as the presiding judge of the family division under MCL 600.1011(2) and Michigan Supreme Court administrative authority. If the assignment ends for any reason (e.g., reassignment, retirement, resignation), the following procedure shall be followed:

i. Chief Judge Action. The Chief Judge of the 26th Circuit Court will designate a successor judge to preside over all Montmorency County family division matters. This may be another probate or circuit judge qualified to serve in that capacity.

ii. Reassignment of Pending Cases. All active, unresolved, or recently closed family division cases are reassigned to the successor judge to maintain continuity. Court staff will coordinate transfer of records and notify affected parties.

iii. Continuation by Outgoing Judge. When appropriate, the outgoing judge may finalize matters already taken under advisement or mid-hearing, where judicial economy and party rights warrant doing so.

c. Administrative Support and Alignment. The Circuit, Probate, and District Court Administrators, Alpena and Montmorency County Clerks, under the direction of the Chief Judge, will ensure a smooth transition by the following:

i. Identifying all cases assigned to the outgoing judge;

ii. Ensuring families remain aligned under one judge whenever feasible;

iii. Coordinating with SCAO for supplemental coverage if necessary;

iv. Issuing formal notices of reassignment to all parties and agencies involved.

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.** The 26th Circuit Court employs and contracts various positions that work in the Family Division. The Court's team includes a Domestic Relations Attorney Referee or Visiting Judge, Juvenile Attorney Referee or Visiting Judge, FOC ADR/FIG facilitators, Juvenile Officer, Juvenile Probation Officers, and FOC Case Managers. This team works collaboratively to implement and advance the goals of the Family Court Plan (FCP). Each position plays a distinct role in promoting timely, informed, and coordinated decision-making in domestic and juvenile matters.

    a. The Domestic Relations Attorney Referee or Assigned Visiting Judge conducts hearings and makes recommendations on custody, parenting time, and support, reducing judicial caseload and expediting resolution.

    b. The Juvenile Attorney Referee or Assigned Visiting Judge handles preliminary hearings, statutory reviews, and permanency planning in delinquency and protective proceedings, ensuring legal compliance and continuity in juvenile cases.

    c. The FOC ADR/FIG facilitators provide early intervention through facilitated resolution of custody and parenting disputes, promoting voluntary compliance and reducing litigation.

    d. The Juvenile Officer and Probation Officers supervise youth involved in the juvenile justice system, enforce rehabilitative plans, and provide reports to inform judicial review and disposition.

    e. Friend of the Court personnel, including the Friend of the Court Director, Deputy FOC, and Case Managers, monitor compliance with support orders, investigate custody matters, and ensure effective communication with the bench.

    f. Together, these positions enhance accountability, reduce case delays, and promote consistent, family-centered outcomes aligned with the FCP's core goals of access, efficiency, and child well-being.

    g. A family division organizational chart is included as **Appendix B**.

2. **Remote Proceedings.** The Court controls the scheduling of all family division proceedings, including those conducted remotely. This ensures uniformity and judicial oversight, consistent with MCR 2.408(B)(1). The Court provides reasonable notice of hearing dates and times to all

parties, in compliance with MCR 2.408(B)(4). When a hearing is scheduled to be held remotely, the notice includes access instructions for videoconference or telephone participation. Adjournments are not granted by stipulation alone. All requests for adjournment must be submitted to the Court for approval and must demonstrate good cause, in accordance with MCR 2.503 and the principles of MCR 2.408(B)(2). Parties may not reschedule or delay hearings without express court approval. This preserves judicial control over the docket and promotes the efficient resolution of family matters, as required by MCR 2.408(A).

3. Facilities. The 26th Circuit Court supports the goals of the Family Court Plan by maintaining private rooms in both Alpena and Montmorency County Courthouses for confidential attorney/client meetings, mediation, and family discussions. Both courthouses conduct regular security meetings to assess and improve safety, including secure access for vulnerable parties and after-hours procedures for emergency matters. The Court communicates with local agencies and the Friend of the Court to facilitate supervised parenting time and provide referrals for child-related services. Court leadership and staff periodically review facility needs and implement improvements to support a safe, accessible, and family-centered environment.

E. RECORDS MANAGEMENT

1. **Clerks of the Court**. The Alpena County Clerk is designated as the Clerk of the Court for the Alpena Family Division. The Alpena probate clerk shall maintain every record created by or filed with the probate court. The Montmorency County Clerk is designated as the Clerk of the Court for the Montmorency Family Division. The Montmorency probate clerk shall maintain every record created by or filed with the probate court.

2. **Plan Development**. The Alpena and Montmorency County Clerks have 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 Clerks regarding management of court records shall be submitted to the SCAO with the submission of the Family Court Plan for approval.

3. **Filing.** All original family division filings must be submitted to the appropriate County Clerk, either the Alpena County Clerk at 720 W Chisholm Street, Suite 2, Alpena, MI 49707, or the Montmorency County Clerk at P.O. Box 789, Atlanta, MI 49709, depending on where the case originates. Judge's copies for all filings must be sent directly to the 26th Circuit Court in Alpena County. Court records are maintained

by each County Clerk's Office, and the public and attorneys may request access through the respective clerk. Case scheduling information is managed by the 26th Circuit Court and is available by contacting the court directly.

4. **Access Point**. The central access point for all counties in the 26th Circuit Court is the 26th Circuit Court's official website, which is accessible through both the Alpena County and Montmorency County government websites. The site provides the public and the bar with comprehensive information regarding the family division, including where to file documents, how to access or request court records, and how to obtain case scheduling information. Each county's Clerk's Office maintains original records and filings, while judge's copies are directed to the 26th Circuit Court in Alpena. Links to filing instructions, court forms, hearing calendars, and contact information are all available online.

5. Internal Transfer. The 26th Circuit Court uses a combination of physical and electronic methods to manage the internal transfer of files and documents between Alpena and Montmorency Counties. Court staff securely transport physical files as needed, following procedures to protect confidentiality and ensure chain of custody. The Court continues to develop electronic bridges between county systems to facilitate faster access to case information and reduce the need for physical file transfers. Access to both physical and electronic records is limited to authorized court personnel, and all file handling complies with court security protocols and Michigan court recordkeeping standards.

6. Technological Access. The Family Court Plan ensures timely technological access to all family division cases by providing judges and referees with secure, remote access to each county's case management system and electronic records. Both Alpena and Montmorency Counties use compatible systems that allow authorized judicial officers to view filings, orders, and case notes in real time. Court staff promptly scan and upload documents when electronic filing is not available, ensuring minimal delay in access. Referees are equipped with the necessary technology to review cases, conduct remote hearings, and prepare recommendations efficiently. This system supports consistent judicial oversight and timely decision-making across the circuit.

7. **Public Access.** This FCP will be posted on the court's website and is otherwise publicly available upon request.

This Local Administrative Order Family Court Plan is effective upon approval of the State Court Administrative Office.

7/22/26
DATE

HON. K. EDWARD BLACK
CHIEF JUDGE
Alpena Family Division Presiding Judge

7/27/26
DATE

HON. LORA E. GREENE
MONTMORENCY PROBATE/DISTRICT JUDGE
Montmorency Family Division Presiding Judge

7/22/26
DATE

HON. ALAN M. CURTIS
ALPENA PROBATE/DISTRICT JUDGE

Appendix A

Judges Serving in the Family Division:

- Hon. K. Edward Black
  - 26th Circuit Court Chief Judge
  - Presiding Judge of the Alpena County Family Division
  - Appointed February 2020
  - Current Term Expires January 1, 2027

- Hon. Lora E. Greene
  - Montmorency County Probate Judge
  - Presiding Judge of the Montmorency County Family Division
  - Appointed May 2021
  - Current Term Expires January 1, 2029

Referee and Visiting Judge Serving in the Family Division:

- Russell Rhynard, Domestic Relations Attorney Referee
  - Appointed 2025
  - Serving Alpena and Montmorency Counties

- Honorable Benjamin T. Bolser
  - Visiting Judge By Assignment Effective 2025
  - Serving Alpena County

Appendix B

Family Division Organizational Chart

