STATE OF MICHIGAN

LAURA CHEGER BARNARD
Chief Judge

40TH CIRCUIT, PROBATE, 71-A DISTRICT
COURTS OF LAPEER COUNTY

255 Clay Street
Lapeer County Complex
Lapeer, Michigan 48446

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF LAPEER

FAMILY COURT PLAN
FOR THE 40th CIRCUIT COURT
AND THE COUNTY LAPEER PROBATE COURT

LOCAL ADMINISTRATIVE ORDER
Circuit Court Joint Local Administrative Order 2025-
Probate Court Joint Local Administrative Order 2025-

Rescinds Circuit Court Joint Local Administrative Order 2023-02J
Rescinds Probate Court Joint Local Administrative Order 2023-02J

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. 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.

B. Goals. The goal of this FCP is to have the one family-one judge requirement by naming the judges with the most expertise in the subject matter to the family court. Due to the current caseload it requires two judges to be assigned to hear the family court cases to allow the court to continue efficiently and allowing predictability for the families within the 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. Appendix A shall be updated as necessary to correctly identify the current Family Court judges. The plan will remain in effect until a new LAO is executed.

II. ADMINISTRATION

A. JUDICAL 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. There are two judges assigned to the family division. See Appendix A. In addition to the judges, the court has available one attorney referee.

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 and utilizing judicial resources through Westlaw. Both judges have expertise in family law, both from the bench and prior private practice. The judges shall continue to develop their expertise by participating in training offered through Michigan Judicial Institute or other providers.

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 exist. For any partial assignment the Plan must disclose the percentage of new filings by case type assigned to each judge.

4. Judges serving in the family division do not serve full-time. The circuit court judges have judicial responsibilities in civil and criminal cases in addition to family cases. The probate judge has responsibilities for probate cases in the county in which they serve. See Appendix A for further detail.

5. Probate judges serving pursuant to this plan have the same power and authority as a circuit judge in family division matters within the county/circuit, in addition to the powers and authority of a judge of the probate court.

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. Definitions.
For purposes of this FCP, the term "family" means: a group of one or two parents and their child or children living together as a unit.
For purposes of this FCP, the term "family member" means: a family related by blood or law to one parent or same parents.
For purposes of this FCP, the term "pending" means: Any matter that has been or is assigned to a prior judge including closed or inactive cases.

3. One Family-One Judge. The court will continue its implementation of the one family-one judge concept. Where there is a subsequent filing of a case involving the same family that was involved in a prior case, the judge handling the prior case shall be assigned that and all subsequent cases involving the same family.

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.

6. Concurrent Cases. In Lapeer County, when a domestic relations case is assigned to a circuit court judge and a subsequent juvenile case involving the same family is filed, the case will be assigned to the presiding family division judge.

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. When a judge's service in the family division ends, unresolved cases will be reassigned to another family court 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.

2. Remote Proceedings. At the request of any participant, the family division will allow the use of videoconferencing technology. The use of videoconferencing may not be used in any bench or

jury trial, or any other proceeding wherein the testimony or witnesses or presentation of evidence may occur, except in the discretion of the court after all parties have had notice and opportunity to be heard on the use of videoconferencing technology. A party may participate by telephonic means under MCR 2.402.

3. Facilities. Facilities that further the goals of the Family Division Plan include conference rooms for confidential attorney/client meetings. Juvenile holding rooms are available. Quarterly security committee meetings are held to discuss improvements.

E. RECORDS MANAGEMENT

1. Clerks of the Court. The Lapeer County Clerk is designated as the Clerk of the Court for the Family Division. The Lapeer 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. All flings will occur in the same manner as established in the prior family court plan; filings shall be filed in the Circuit Court office of the County clerk.

4. Access Point. The County Clerk's office is the central access point to provide the public information regarding the family division and related court activities.

5. Internal Transfer. The internal transfer of files is done electronically via email and through the JIS system.

6. Technological Access. The JIS system and email ensures timely access to all judicial officers.

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

Honorable Laura Cheger Barnard
Chief Circuit/Probate Court Judge

Date: 7-24-25

Honorable Michael D. Hodges
Circuit Court Judge

Date: 7/24/25

Honorable Denis J. McCarthy
Probate Judge/Presiding Family Court Judge

Date: 7/24/25

APPENDIX A

40TH Circuit Court Family Plan

Presiding Family Court Judge
Honorable Michael D. Hodges: 90% of new filings assigned are Family division.
Honorable Denis J. McCarthy: 50% of new filings assigned are Family division.

Judges Designated to Serve in the 40th Circuit Court Family Division
Honorable Michael D. Hodges
Family Division Service Started: January 1, 2021
Current Term Expires: December 31, 2026

Honorable Denis J. McCarthy
Family Division Service Started: January 1, 2025
Current Term Expires: December 31, 2030

Circuit Court Judge
Presides over civil cases exceeding $25,000. Serious criminal cases, family matters, serving a 6- year term

Family Division Judge
Presides over domestic relation matters, juvenile delinquency and child protective proceeding, serving a 6-year term.

Trial Court Administrator
Manages all administrative and quasi-judicial functions of the Family Court while working under the direction of the Chief Judge and the Family Court Judge. Duties include supervising staff, overseeing production of reports, ensuring timely case progression, and preparing budgets for court operations.

Friend of the Court
Serves as administrative officer for the Friend of the Court office, under the direction of the Chief Judge and Circuit Court judges. Responsible for all administrative functions of the office of the Friend of the Court, supervising staff, budget preparation and management, information technology systems, contract management, public relations and legal and regulatory compliance of the Friend of the Court.

Deputy Friend of the Court
Assists the Friend of the Court in managing, planning, and supervising the daily operations of the office of the Friend of the Court.

Friend of the Court Referee
Serves as the Circuit Court Family Division domestic relations referee with responsibility holding hearings and recommending decisions for review by the Family Division Judges. Serves as a referee for purposes of hearing Friend of the Court show causes, motions involving child-related disputes.

Juvenile Referee
Serves as the Circuit Court Family Division juvenile referee handling hearings for delinquency matters, and abuse/neglect matters for review by the Family Division Judges.

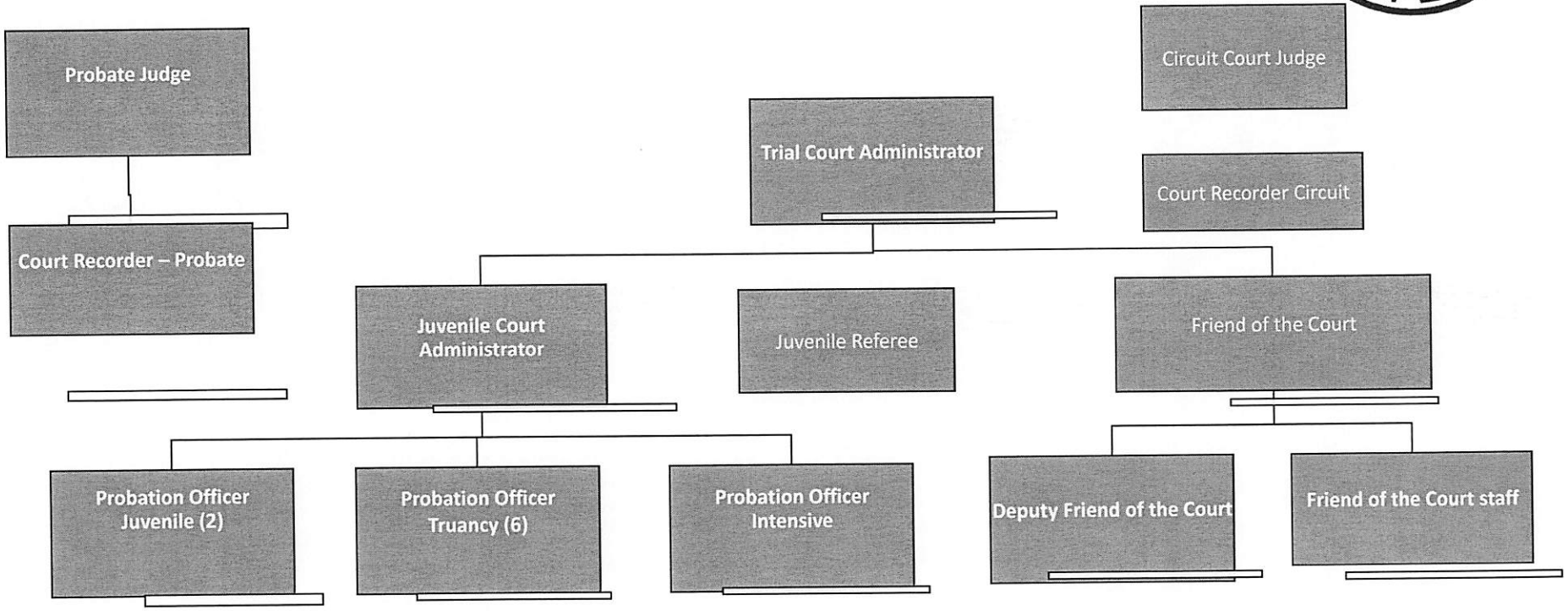
Juvenile Court Administrator
The primary function of the job is to supervise and coordinate the work of Juvenile Probation Officers. Manages probation caseload. Reviews and approves all probation officer reports. Responsible for supervising youth under court jurisdiction. Responsible for budget preparation and management.

Juvenile Probation Officer
The primary function of this position is to monitor juveniles under court jurisdiction that have been placed on probation. This may include but is not limited to monitoring juveniles in their homes, schools, community, or in a placement facility. Case management may include preparing reports, conducting drug tests, attending weekly meetings, and attending court sessions.

Judicial Assistant
Under the supervision of the Family Division Judge, assists the Judge and court administrator in making sure the Court operates efficiently and effectively; processes routine legal paperwork and correspondence.

Court Reporter
Court reporters perform duties related to the production of verbatim record of court proceedings, producing certified transcripts as required, and maintaining the archive of court proceedings.

Family Court
Table of Organization



6/23/2025