State of Michigan

FORTY SECOND CIRCUIT COURT

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42nd Circuit Court Administrative Order C42 2025-02 J
Midland Probate Court Administrative Order P56 2025- 01J

FAMILY COURT PLAN FOR THE 42nd CIRCUIT COURT AND THE MIDLAND COUNTY PROBATE COURT

This Order rescinds C42-2023-01J and P56-2023-01J

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 circuit judge has elected to also serve as the presiding judge over the Family Division. See Appendix A for further detail.

B. Goals. It is the goal of the judges of the Family Division to assign cases in accordance with expertise while ensuring an equitable distribution of workload, maximizing scheduling efficiency and promoting the requirements of MCL 600.1023. The goal is further supported by the Court's Case Assignment Order LAO.

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 Midland County Judicial Council (composed of the Chief judge and all other county judges) to ensure that the Plan meets the statutory requirements and complies with the Family Court Plan Requirements and Guidelines provided by the SCAO. Additionally, the plan will be reviewed immediately upon a new judicial appointment or election in either the Probate Court or Circuit Court.

II. ADMINISTRATION

This Section shall include:

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 four judges assigned to the Family Division:

   a) Hon. Stephen P. Carras (Chief Judge 42nd Circuit Court) – term expires January 1, 2031. Began Family Division service January, 2007.

   b) Hon. Michael J. Beale (Chief Judge pro tem, 42nd Circuit Court) – term expires January 1, 2027. Began Family Division service December, 2007

   c) Hon. Angela M. Cole (Midland County Probate Judge) – term expires January 1, 2031. Began Family Division service January, 2025.

   d) Hon. Michael D. Carpenter (Presiding Judge, 75th District Court) – term expires January 1, 2027. Began Family Division service January, 2014.

   Consistent with the courts' Case Assignment Order LAO, the Judges of the 42nd Circuit Court primarily handle the family division case types, however, the caseload is too large for two judges to handle the docket in its entirety. Therefore, the child protective proceedings, juvenile delinquency, and adoption case types are assigned to the Probate Judge.

   The Presiding District Court Judge shall not be assigned Family Division cases but shall hear Family Division matters on an emergency basis if the other judges are unavailable pursuant to Midland County's concurrent jurisdiction planning.

   The Family Division is further served by two domestic relations referees and two juvenile referees (one primarily serving in a backup capacity).

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. Midland County primarily relies upon training provided by the Michigan Judicial Institute (MJI). Judges select and attend training consistent with Continuing Legal Education requirements enumerated in the Michigan Court Rules. Additionally, the Family Division budgets adequate funds to ensure that staff have ample opportunity to participate in training.

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 with the exception of the Presiding District Court Judge who serves merely as a backup in circumstances where other judges are unavailable as detailed earlier. 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. The Case Assignment Order LAO governs all case assignments and should be utilized in conjunction with "the Plan."

2. Definitions.

   For purposes of this FCP, the term "family" means: a group of persons united by birth, marriage, or adoption.

   For purposes of this FCP, the term "family member" means: a party sharing a common child, spouse, or parenting with another party.

   For purposes of this FCP, the term "pending" means: pre-judgment or active post-judgment including post judgement collection of child support, or any period during which a child remains under the jurisdiction of the court in a juvenile delinquency or child protective proceedings matter.

3. One Family-One Judge. Cases shall be assigned pursuant to the County's Case Assignment Order LAO which designates cases be assigned by case type unless there is a new or ongoing child protective proceedings case (NA), juvenile delinquency case (DL), or any adoption case type. If an NA, DL, or adoption case is filed during a pending domestic relations case, the domestic relations case will be reassigned to the judge handling the NA, DL or adoption case. In the event of special circumstances, the judges may agree on another arrangement as needed. PPOs and ERPOs will be assigned to the same judge if they involve the same parties consistent with the Case Assignment Order LAO.

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, ID, JA, JG, NA, NB, PH, PJ, PP, PW, TL, UE, UF, UI, UM, UN, VF, and VP. FH cases, including those involving non-payment of child support, are not an included case type within the Family Court Plan and will be assigned pursuant to the Court's Case Assignment Order LAO.

6. Concurrent Cases. In addition to the procedures described above, the Chief Judge, in his or her discretion, may reassign a case to another judge of the Family Division if necessary to meet the requirements of MCL 600.1023.

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, pending cases will be resolved by that judge prior to his or her end of service or, if left unresolved, transferred to that judge's successor. In the event that a judgeship is eliminated, the chief judge will determine how the cases are assigned.

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.
The Chief Judge of the Circuit Court has supervisory authority over the administration of the Family Division of the Circuit Court. The Family Division shall consist of the judges listed in paragraph II.A. above. Each judge shall have exclusive direction and control of their judicial assistant.

The Friend of the Court shall provide assistance and services to and for the family division. The Friend of the Court and personnel thereof are under the jurisdiction, control, and supervision of the Chief Judge of the Circuit Court.

Attorney referees may be assigned to either domestic relations proceedings, juvenile proceedings or both depending on need and pursuant to local administrative order. Juvenile and Domestic Referees shall hear matters and make recommendations to Family Division judges pursuant to law and consistent with local administrative order.

2. Remote Proceedings. Family division proceedings will utilize videoconferencing technology to the greatest extent possible consistent with MCR 2.408.

3. Facilities. Currently domestic relations cases are heard on the 4th Floor of the Midland County Courthouse. Juvenile and Child Protective Proceedings are heard on the 2nd floor. The Midland County Sheriff's office provides security, including weapons screening, for the entire building.

The Friend of Court office is located on the 4th floor of the County Services Building located approximately one block north of the Midland County Courthouse. Referee hearings in domestic relations cases are routinely heard in that building. Both buildings are equipped with robust information technology systems that permit communication and data transfer between the offices.

The Family Division also operates a court-run juvenile detention center known as the Juvenile Justice Center (JJC). The JJC Director is responsible for managing its operations under the supervision of the Probate Court Judge (See Appendix A). The JJC is equipped with video conferencing technology to permit parties in juvenile cases to quickly and efficiently participate in court proceedings. Juvenile probation officers, administrative staff and juvenile specialists are all located in the JJC. The center contains a secure portion as well as a non-secure day treatment portion known as Monarch Academy.

E. RECORDS MANAGEMENT

1. Clerks of the Court. The Midland County Clerk is designated as the Clerk of the Court for the Family Division. The Midland County 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. Filings in domestic relations matters of the Family Division shall be completed in the office of Midland County Circuit Court Clerk located on the 4th floor of the Midland County Courthouse, 301 W. Main Street. Midland, MI 48640.

   Filings in juvenile and adoption matters of the Family Division shall be completed in the office of the Midland County Probate Corut located on the 2nd floor of the Midland County Courthouse, 301 W. Main Street. Midland, MI 48640

4. Access Point. Information for the public is provided on the county's website. www.midlandcountymi.gov

5. Internal Transfer – If necessary, the Midland County trial courts are capable of efficient internal transfer of files by way of a secure internal network managed on-site.

6. Technological Access. All Family Division judges shall have appropriate electronic case management access for the family division cases they serve. The Trial Court Administrator is responsible for ensuring proper access.

7. Public Access. This FCP is publicly available upon request.

Hon. Stephen P. Carras
Chief Judge 42nd Circuit Court
Dated: 6-16-25

Hon. Michael J. Beale
Chief Judge Pro Tem, 42nd Circuit Court
Dated: 6-16-25

Hon. Angela M. Cole
Midland County Probate Judge
Dated: 6-16-2025

Hon. Michael D. Carpenter
Presiding Judge, 75th District Court
Dated: 6-16-25

42nd Circuit Court – Family Division Organizational Chart

