STATE OF MICHIGAN

IN THE CIRCUIT COURTS FOR THE CHARLEVOIX AND EMMET COUNTIES

LOCAL ADMINISTRATIVE ORDER ADOPTING FAMILY COURT PLAN

57th Circuit Court Joint Local Administrative Order 2025-02J
33rd Circuit Court Joint Local Administrative Order 2025-01J
7th Probate District Court Joint Local Administrative Order 2025-02J

(Rescinds Local Administrative Order 2021-05J-57th Circuit Court)
(Rescinds Local Administrative Order 2021-02J-33rd Circuit Court)
(Rescinds Local Administrative Order 2021-06J-7th Probate District Court)

IT IS ORDERED:

This administrative order is issued in accordance with 2002 Public Act 682. The purpose of this Order is to adopt the Family Court Plan appended to this Order upon approval by the State Court Administrative Office.

Date: 6-12-2025

Hon. Jennifer E. Deegan, Chief Judge
57th Circuit Court

Date: 6/12/2025

Hon. Roy C. Hayes, III, Chief Judge
33rd Circuit Court

Date: 6/12/2025

Hon. Valerie K. Snyder, Chief Judge
7th Probate District Court

FAMILY COURT PLAN
FOR THE 57TH AND 33RD CIRCUIT COURT
AND THE 7TH PROBATE DISTRICT COURT

This Family Court Plan supersedes prior plans that have been approved for the operation of the Family Division.

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. The courts have a multi-judge family division, and the chief judges have agreed that the chief probate court judge shall serve as the presiding family division judge. See Appendix A for further detail.

B. Goals. The goals of this FCP, in addition to complying with the "one family-one judge" requirement to the extent practicable, are described below.

1. For judges and referees to develop expertise in family law and to maximize service to the public by simplifying access points and information distribution.

2. To continue the level of public assistance traditionally provided by the juvenile and probate court staff in assisting in pro per litigants, particularly in matters concerning adoption, name changes, emancipation, and parental consent waivers, and the need to couple this level of assistance to areas of ancillary jurisdiction including minor and adult guardianships.

3. Staffing realities, including the current level of support staff and job descriptions currently in place in courts of the two counties, and the fact that small staff size requires blended job descriptions and staff cross-assignments to ensure adequate, timely, and efficient service to the public and support to the court.

4. The practical restraints of the existing facilities. Both counties have allocated space to the courts and other county departments, and no significant changes in available space are anticipated in the foreseeable future. The existing facilities were designed for the court system as it is currently configured and adequately service the needs of the Family Division operated in accordance with this plan. There are currently no local funds available to reconfigure these structures. As any reconfigure of facilities would need to

be funded by the state, it is beyond the scope of this plan to predict the availability of such funds.

5. The fact that some families appear in more than one independent court action, which will require coordination of court processes to provide a commonality of judicial intervention, while the vast majority of divorce cases are not significantly impacted by action in other courts or other cases.

6. Certain matters, particularly adoptions and parental waivers, require enhanced measures of confidential record keeping and staff assistance to the public using those procedures.

7. The 33rd Circuit Court, 57th Circuit Court and the 7th Probate District Court utilize the JIS system, which allows cross-court access to case files via a central name index.

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.

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. The participating judges are:

   - Hon. Roy C. Hayes, III, Chief Judge of the 33rd Circuit Court, began assignment in 2015 and current term ends 1/1/2027.
   - Hon. Jennifer E. Deegan, Chief Judge of the 57th Circuit Court, began assignment in 2021 and current term ends 12/31/2031.
   - Hon. Valerie K. Snyder, Chief Judge of the 7th Probate District Court, began assignment in 2017 and current term ends 12/31/2031.

2. Judicial Expertise. Each judge listed above has attended New Judge Orientation, as well as continued training sessions consistent with MCJE rules. Each judge 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.

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. However, assigning a single judge to the Family Division would result in an imbalanced caseload and administrative responsibility. Removing approximately

fifty percent (50%) of the two circuit judges' caseloads and placing them on a single family court judge would make it impossible to schedule family cases withing the timeframes set forth in the statutes and court rules. Accordingly, the Family Division will be served by the three judges identified above.

B. ASSIGNMENT OF CASES

Cases involving members of the same family ("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 will be assigned as outlined in the courts' Family Division Case Assignment Local Administrative Order (LAO).

   - Disqualifications. Reassignment of cases shall be in accordance with MCR 8.111(C) and (D). Annually each court shall submit to SCAO a request for assignment for blanket assist, non-disqualification matters for the three courts and shall include 90th District Court judge. In the event of a disqualification of a judge serving in the Family Division, the case shall be reassigned internally to one of the other Family Division judges. If all Family Division judges are disqualified, the case shall be referred to the State Court Administrative Office for assignment of another judge.

   - Docket Management. Judges are encouraged to participate in community activities and meet with other public and governmental groups for the purpose of furthering the goals and objectives of the family court. It is also recognized that each judge will have separate case responsibilities outside of the family court, which will require docket coordination with family court cases assigned to that judge. Accordingly, each judge shall be independently responsible for the docketing of cases assigned to that judge and in administering their individual docket to ensure the efficient administration of justice. Further, in this regard, the judges shall observe the American Bar Association standards for annual leave, training, education, and seminars. Judges shall observe the holiday schedules approved by their respective counties and as directed by the Michigan Supreme Court.

2. Definitions.

   For purposes of this FCP, the term "family" means: A family unit with minor children involved in the court system.

   For purposes of this FCP, the term "family member" means: The parents and minor children in the family unit, including biological children, step-children, and adopted children.

   For purposes of this FCP, the term "pending" means: A current active case with the court.

3. One Family-One Judge. The following policy shall be observed to promote the assignment of one family for one family:

   a. Original divorce, paternity, child support, and personal protection order cases shall be assigned to the circuit court judges.
   b. Original adoption, name change, dependent abuse and neglect, emancipation, delinquency, judicial waiver, and personal protection orders involving minors shall be assigned to the presiding Family Division judge.
   c. When a family has collateral or simultaneous family cases pending and those instances where subsequent abuse, neglect, or delinquency cases involve a need to change custody or parenting time from a prior divorce decree, the presiding Family Division judge shall hear the actions.
   d. The presiding Family Division judge may hear original personal protection orders and divorce actions that arise during the pendency of a delinquency or dependent abuse and neglect case.
   e. If a delinquency case is commenced while a divorce case is pending, the Family Division referee shall conduct the preliminary hearing. Thereafter, the presiding Family Division judge and the respective circuit court judge shall confer upon the appropriate administration of the family matter to determine whether the new delinquency matter involves parenting time or custody issues and, if so, which judge should hear the matters or whether the circumstances of the cases would be better served by separate forums.
   f. The circuit judges may hear petitions to change name and for judicial waivers that arise subsequent to a divorce judgment entered by that judge.
   g. The circuit court judges may hear cases from the other circuit as assigned by this Family Court Plan, the LAO, and blanket assignments by SCAO.
   h. All judges shall exercise the ancillary jurisdiction conferred by statute, where appropriate, to the administration of a case under their jurisdiction.

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, UE, UF, UI, UM, UN, VF, and VP. TL cases are not being used in the case assignment as they are District Court matters under our LAO 2023-01 J for Waiver of Jurisdiction Over Civil Infractions Committed by Juveniles.

6. Concurrent Cases. The assignment procedures described in section II(B)(3) layout how the "one family-one judge" requirement is supported for concurrent 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. Complete caseloads will be transferred to a successor judge if there is a judicial vacancy that is later filled.

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 referees, juvenile officers, and Friend of the Court provide statutorily required support services to the court so that the court is operating efficiently with each judge serving in their area of expertise and in furtherance of the Family Division Goals.

2. Remote Proceedings. Remote proceedings may be utilized as permitted by the Michigan Court Rules, MCR 2.407 and 2.408, and the individual courts.

3. Facilities. Both counties have allocated space to the courts and other county departments, and no significant changes in available space are anticipated in the foreseeable future. The existing facilities were designed for the court system as it is currently configured and adequately service the needs of the Family Division operated in accordance with this plan. There are currently no local funds available to reconfigure these structures. As any reconfigure of facilities would need to be funded by the state, it is beyond the scope of this plan to predict the availability of such funds.

E. RECORDS MANAGEMENT

1. Clerks of the Court. The Charlevoix and Emmet County Clerks are designated as the Clerks of the Court for the respective county's Family Division. The Charlevoix and Emmet probate clerks shall maintain every record created by or filed with the respective probate court.

2. Plan Development. The county clerks of both counties 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 a 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 family court documents are filed with, and accessed from, the county clerks' offices, with the exception of proceedings under the Juvenile Code, Adoption Code, and EM, EZ, ID, NB, NC, PW, and VF case codes, which are filed with, and accessed from, the probate court clerks.

4. Access Point. The office of county clerk shall serve as a central access point for public information about the Family Division. Questions, whether by walk in or telephone, regarding adoption, change of name, dependent neglect and abuse, emancipation of minors, juvenile delinquency, parental consent, or domestic relations shall be referred to the appropriate Family Division or friend of the court staff for assistance. When an integrated computer system is available, there will be public access to court records by computer at the central access point.

   All questions from the public, particularly from in pro per litigants, concerning the filing of initial petitions in matters concerning adoption, change of name, emancipation, parental waivers and status offenses concerning home and school incorrigibility, runaways, and other home based juvenile offenses shall be referred to the Family Division staff assigned for assistance. Family court division staff shall assist in the filing and processing of these matters including the preparation of documents and orders. Assistance in the preparation of documents and orders by Family Division staff shall also apply to matters involving status offense delinquency and dependent neglect and abuse.

5. Internal Transfer. Due to the numerous practical concerns involving facilities and staff, the location of files shall be determined by case allocation. Cases assigned to the circuit court judges shall be filed with and maintained by the county clerk. Files, pleadings, and correspondence for cases assigned to the presiding judge of the Family Division shall be filed with and maintained by the Family Division support staff so long as the case remains active. The Family Court Plan has been submitted to the clerks of both counties to afford the opportunity to comment or provide input for subsequent revisions. The county clerk and court administrators together with county staff may consider and formulate a plan for centralized computer access to case information.

6. Technological Access. All court staff have appropriate access to JIS and other case management tools for the courts they serve.

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

Appendix A

CHARLEVOIX & EMMET

FAMILY COURT FLOW CHART

