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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF PRESQUE ISLE

FAMILY COURT PLAN FOR THE 53RD CIRCUIT COURT AND THE PRESQUE ISLE COUNTY PROBATE COURT

LOCAL ADMINISTRATIVE ORDER
Circuit Court Joint Local Administrative Order 2025-04J
Probate Court Joint Local Administrative Order 2025-04J

Rescinds Circuit Court Joint Local Administrative Order 2018-01J
Rescinds Probate Court Joint Local Administrative Order 2018-01J

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 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.

B. Goals. The goal(s) of this FCP are described below:
1. To develop sufficient judicial expertise in family law to properly serve the interests of families and children.

2. The foundation of the family division shall be "one judge-one family."

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 (including when the identity of judges serving in the circuit or probate courts has changed due to resignation, retirement, new appointment, or election), 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.

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II. ADMINISTRATION

A. JUDICIAL RESOURCES/SERVICE

1. Family Division Judges. The Chief Judge of the 53rd Circuit Court (hereinafter "Chief Judge") shall have the supervisory authority over the administration of all divisions of the Circuit Court, including the Family Division. The Chief Judge of Presque Isle Probate Court is the Presiding Judge of the Family Division of the 53rd Circuit (hereinafter "Presiding Judge").

2. All judges assigned to the family division have expressed an interest in overseeing family law cases through the end of their term. There is a total of two judges assigned to the family division as follows:

a.) Honorable Aaron J. Gauthier, chief judge, whom began serving in the family division for Presque Isle County in 2018. Judge Gauthier's current term is 2023 through 12/31/2028.

b.) Honorable Kimberly S. Gildner, presiding judge, whom began serving in the family division for Presque Isle County in 2025. Judge Gildner's current term is 2025 through 12/31/2031.

3. 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 (MJI), under MCL 600.1019. Judges serving in the family division are required to comply with MCJE requirements, and must include among their continuing education at least three credits per year that are relevant to the family division (as determined by the Chief Judge) (in either judicial practice and related areas, or judicial integrity and demeanor).

4. 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, except as specified in the active Assignment of Cases LAO.

B. ASSIGNMENT OF CASES

Cases involving members of the same family (aka "one family-one judge"), is defined as "When two 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 the 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 pursuant to the Assignment of Cases Administrative Order.

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2. Definitions.

   For purposes of this FCP, the term "family" means: In essence, the term "family" refers to people who are legally connected and involved one or more cases within the family court system. The "family" could be involved in various legal issues, such as divorce, child custody, child support or parenting time.

   For purposes of this FCP, the term "family member" means: Parents, children, siblings, other close relatives (such as step-parents, grandparents, or other individuals involved in the family's legal matters).

   For purposes of the FCP, the term "pending" means: A case that has been filed but has not yet been fully resolved or concluded. It indicates that there are matters still ongoing.

3. One Family-One Judge. The One Family-One Judge requirement in family division cases aims to ensure that all related cases involving family and/or family members are assigned to the same judge. This is intended to promote consistency in decisions and reduce the potential for conflicting rulings. Below is an overview of the process of aligning cases with this requirement and situations where alignment may not be practicable in Presque Isle County.

   Process for Aligning Cases

   a. Filing Cases: When a family files multiple cases (e.g., divorce, custody, child support) these cases should be filed in the family division of the circuit court.

   b. Case Management and Prior Matters: Upon filing, the court clerk will review the cases to determine if they are related. Related cases typically include those involving the same parties or similar issues.

   c. Assignment to Judge: If the cases are identified as related, after filing, the court will assign them to the same judge. The Assignment of Cases Administrative Order shall be referred to in this determination.

   d. Scheduling Hearings: All hearings regarding these related cases will be scheduled before the assigned judge, promoting a cohesive approach to family's legal matters.

   e. Monitoring and Review: The court monitors the cases to ensure that they remain aligned and that any new cases filed by the family are also assigned to the same judge.

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Situation Where Alignment is Not Practicable

a. Emergency Situations: If there is an urgent matter (such as a Personal Protection Order or Extreme Risk Protection Order) that requires immediate attention, the court may assign it to a judge who can address the emergency pursuant to the Assignment of Cases Administrative Order.

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, CA, CY, DC, DD, DJ, DL, DM, DO, DP, DS, DZ, EE, EJ, EM, EP, ER, EV, EZ, GA, GL, GM, ID, JA, JG, LG, MI, NA, NB, NC, PH, PJ, PO, PP, PW, TL, UE, UF, UI, UM, UN, VF, and VP. Felony non-support cases (FH) are not included in this family court plan and will be assigned pursuant to this circuit's case assignment administrative order.

6. Concurrent Cases and Disqualifications. These assignment procedures shall also follow the Assignment of Cases Administrative Order.

7. Transfer. Transferring caseload from one judge to a successor judge involves several procedures to ensure a smooth transition and continuity of justice.

a. Notification of Succession: The current judge should formally notify the court administration detailing the effective date of their retirement or departure.

b. Review of Pending Caseloads: The judge, along with court administration, should conduct a thorough review of all pending cases within their division. This includes identifying unresolved cases and noting their statuses (e.g., hearings scheduled, pending motions, etc.).

c. Assignment of Cases to Successor Judges: The court administration will coordinate the reassignment of unresolved cases to the new family division judge or the chief judge based on availability, caseload capacity, complexity, urgency and the new judge's expertise.

8. Dispute. Any dispute on proper reassignment shall be resolved by the chief judge and/or the presiding family division judge, should one be appointed.

9. Administrative Structure. A family division organizational chart is included as

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Appendix A.

10. Remote Proceedings. This FCP is designed to adhere to Michigan Court Rule (MCR) 2.408 and other remote proceedings requirement by implementing specific measures that ensure accessibility, efficiency and compliance with legal standards. When necessary or requested virtual appearances will be allowed unless deemed insufficient for record purposes or imposition of findings by the judge or referee.

11. Facilities. In the 53rd Circuit-Presque Isle County, sufficient facilities for childcare during hearings and/or meetings does not exist due to limited resources. The Friend of the Court provides information to families about safe communication apps for use. On an annual basis, the judges of the family division will meet to review any improvements that can feasibly be made to the court facilities to benefit families.

12. Clerks of the Court. The Presque Isle County Clerk is designated as the Clerk of the Court for the Family Division. The Presque Isle County Probate Court shall maintain every record created by or filed with the Probate Court.

C. STAFFING AND FACILITIES MANAGEMENT

1. The Chief Judge, Presiding Judge, County Clerk and Friend of the Court shall be responsible for management of their respective facilities that house court functions, subject to approval of the Family Division Management Council.

2. The Administrators of the respective specialized units shall collaborate in compiling any and all reports, data information, surveys, etc., requisite and attendant to the Family Court.

D. BUDGET PROCESS

The budget process for the Presque Isle County Circuit Court shall be prepared by the County Clerk and submitted to the Chief Judge. Friend of the Court shall prepare their own budget. The Presiding Judge shall prepare the child care and related budgets of the Family Division.

E. RECORDS MANAGEMENT

1. All types of Family Court cases, including domestic relations cases such as divorces, personal protection orders, paternity actions, support, visitation and custody matters shall be filed with the Presque Isle County Clerk's office. Attendant fees will be collected in that unit. The Presque Isle County clerk has been afforded

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the opportunity to participate in the development of plans for management of court records.

2. All child protection proceedings, delinquencies, adoptions, name changes and emancipations shall be filed in the Presque Isle County Probate Court office. Attendant fees are to be paid to the Presque Isle County Probate Court office.

3. Open/pending Family Court files will be maintained by the specialized unit responsible for the management of the case. Subsequent to the closure of the file, those specific units shall be responsible for the care and safekeeping of the files in the manner required by statute for public and non-public files. By agreement between the Family Division Management Council and the County Clerk, if it is necessary during an after-hours emergency to retrieve a closed Family Division file, the County Clerk or a designee will be immediately contacted to gain access of the file. For purposes of record retention and expunging Family Court records in safekeeping with the County Clerk, cross-training regarding relevant statutes, court rules, confidentiality and access procedures will be implemented. An employee of the juvenile division will be utilized to do all juvenile placement and child care billings.

4. The specialized units involved in fee collection will collaborate when preparing any and all forms reflecting revenue collected with the Family Court Division.

5. The Circuit Court jury pool will be utilized to accommodate jury demands filed in the Family Division.

6. Any specialized unit of the Family Court will be authorized and directed to provide the public and bar with information regarding access to the court and court related activities. All specialized units are in close proximity to one another so there are no inconveniences to the public and bar when requesting information.

7. Technological Access. Judges and referees in the family division have access to all family division cases through the JIS / TCS case management system.

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

Date: 6/5/25

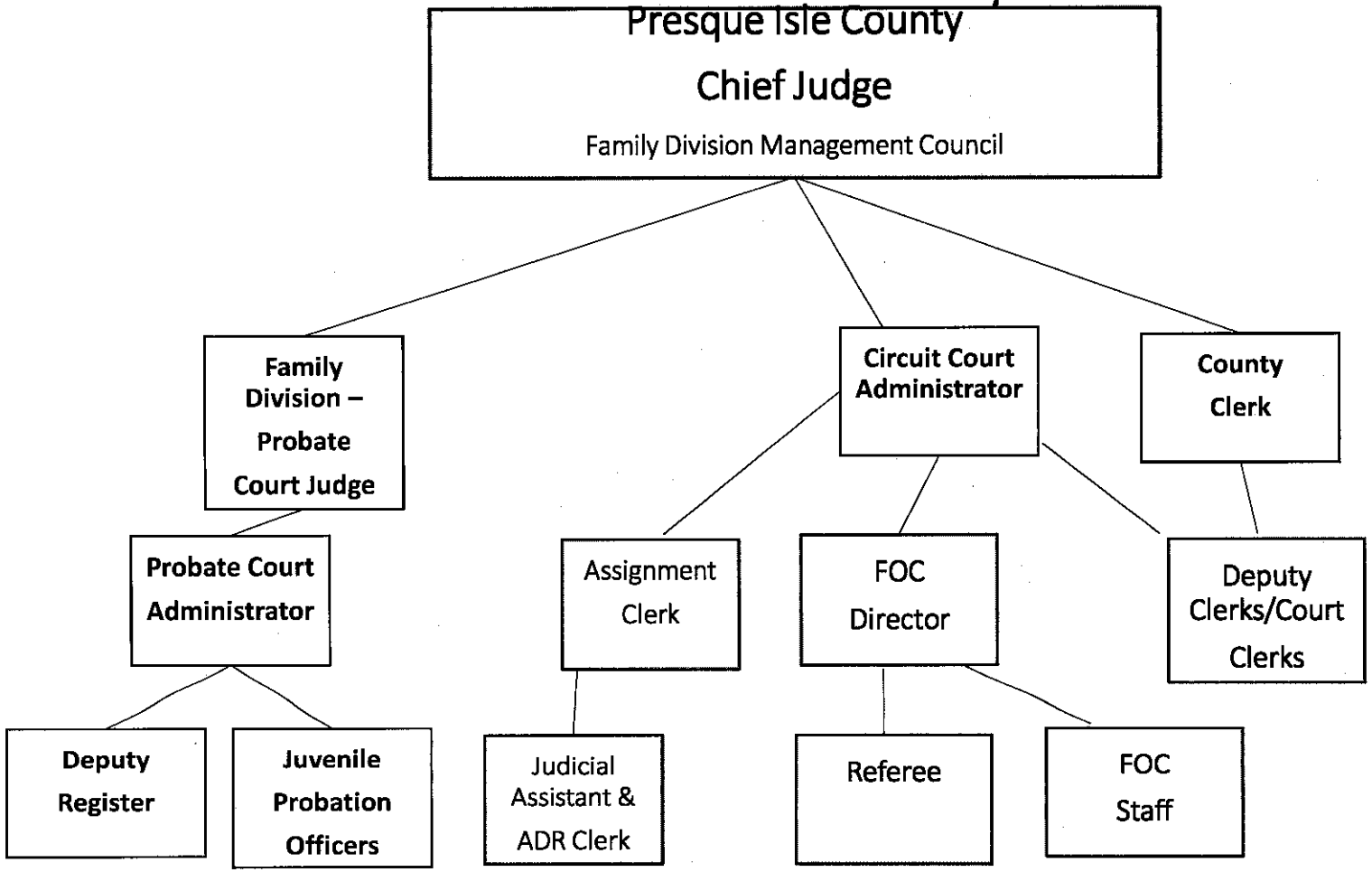
Aaron J. Gauthier (P60364)
Chief Judge, 53rd Judicial Circuit

Date: 6/5/2025

Signed by:
Hon. Kimberly S. Gildner

Kimberly S. Gildner (64331)
Presque Isle County Probate/Family Court Judge

53rd Circuit Court Family Division



4/3/2025