

48 th Judicial Circuit Court Allegan County Probate Court	ADMINISTRATIVE ORDER ADOPTING FAMILY COURT PLAN	Circuit Court Order No.: 2015-# Probate Court Order No: 2015-#
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113 Chestnut Street, Allegan, Michigan 49010

Telephone: 269-673-0211

IT IS ORDERED:

This Administrative Order is issued in accordance with 2002 Public Act 682; MCL 600.1021, 600.1011 and Michigan Supreme Court ADMINISTRATIVE ORDER 2003-2. The purpose of this order is to adopt the Family Court Plan appended to this Order upon approval of the State Court Administrative Office.

Date: _____

Margaret Zuzich Bakker
Chief Circuit Judge

Date: _____

Michael L. Buck
Chief Probate Judge

FAMILY COURT PLAN OF THE
48TH CIRCUIT COURT AND
ALLEGAN COUNTY PROBATE COURT

The undersigned affirm that the information contained in this plan represents the full agreement of the Chief Judges involved in developing the plan.

Date: _____

Margaret Zuzich Bakker
Chief Circuit Judge

Date: _____

Michael L. Buck
Chief Probate Judge

INTRODUCTION

The following Family Court Plan of the 48th Circuit Court and Allegan County Probate Court represents the agreement reached by the Chief Judges of the respective Courts after consultation with other elected officials and court employees.

In formulating this plan, it is the intent of the Court to effect coordination of services for families of Allegan County in the most efficient and economical manner feasible and to ensure that a judge's service in the Family Division allows for the development of judicial expertise in family law.

This plan, as adopted, supercedes all prior plans that have previously been approved for the operation of the Family Division.

ADMINISTRATION

The Family Division of the 48th Circuit Court shall be administered by the Chief Circuit Judge, pursuant to MCR 8.110; assisted by the Presiding Judge, and Circuit and Probate Court Administrators. The knowledge and expertise of the various division directors will be utilized in effectuating the successful daily operation of the Family Division. The Probate Judge shall be the presiding judge of the Family Division whose duties relate to the detention facilities and non-domestic aspects of the division. The Circuit Court Administrator shall consult with the presiding judge with respect to the policy issues related thereto.

The operation of the Family Division of the Circuit Court shall be reviewed, at least annually, by the Allegan County Judicial Council. The Council may make recommendations to the Chief Circuit and Chief Probate Judges regarding changes to this plan or Family Court operations.

Attached is the organizational chart of the 48th Circuit Family Court. This plan outlines the operation of the court subject to additions of details concerning staff levels, budget, facilities, records and others which will require the Court to reach an agreement with the County Clerk, County Board of Commissioners, the State Court Administrative Office and others, to which point, the agreement can only determine policy within the guidance of the Statutes and rules of the Supreme Court, as they presently are or from time to time may be determined.

Most of the budget of the Family Division will be part of the overall Circuit Court budget. This budget will encompass all aspects of the Court, employee compensation, job classification relating thereto, supplies, legal library, repairs, equipment, leases or purchases, physical facilities, attorney costs, transcripts, child care fund, contract services, education and training, and such other costs as from time to time may be agreed upon. Since a portion of the Probate Court caseload falls within this plan, a portion of the Probate Court budget will be devoted to fulfilling the terms of this plan, even though not labeled as "Family Court".

The respective court administrators will effect training to coordinate employees in establishing knowledge of the chain of command and the need to provide service to Judges as their job function relates to Judges of the Family Division.

A joint agreement between the Circuit Court and the Allegan County Board of Commissioners has been negotiated to continue the operation of the Detention Facility and the Cheever Treatment Center, a copy of which is attached hereto and incorporated herein. Staffing and operation of the facilities shall be carried out by various division directors under the direction of the Circuit Court Administrator. The function of this division will be to maintain the facilities, staff the facilities with necessary support staff, to provide suitable facilities for educational staff to conduct programs and related issues as may from time to time be determined to be useful in the correctional and treatment programs of the Court.

JUDICIAL APPOINTMENT AND CASE ASSIGNMENT

The Family Division of the Circuit Court will handle all divorce and/or domestic cases filed with the Circuit Court and all juvenile matters transferred by the Legislation Public Act 388 of 1996, MCL 600.1021. Circuit Judge Margaret Zuzich Bakker, Circuit Judge Kevin Cronin and Probate Judge Michael L. Buck are hereby designated to serve as judges in the Family Division. Allegan County District Judges may serve from time to time as needed pursuant to the Allegan County Concurrent Jurisdiction Plan.

New domestic relations matters (cases), whether with or without children, as identified by Act 682 of 2002; MCL 600.1021(1)(a), (g), (h), (j), and (k); MCL 552.502(m)(i)-(vii) (see attached statutes) will be assigned by lot to one of the Circuit Judges, unless there is presently an open or pending matter regarding a child involved in that domestic matter before the Probate Judge or one of the Circuit Court Judges; in which case, that matter will be assigned to the Probate Judge or Circuit Court Judge who has an open or pending case involving that child.

All juvenile delinquency matters as identified by Act 682 of 2002; MCL 600.1021 (1) (e) will be assigned to the Probate Judge, unless there is an open or pending matter currently assigned to one of the circuit court judges; in which case the delinquency matter will be assigned to that circuit court judge. Cases which might better be served by an exception to the assignment policy shall be submitted to the Chief Probate Judge for possible reassignment. Designated cases for adult treatment being scheduled for 12 person jury trials will be assigned to a circuit judge by lot.

All new protective proceedings (neglect), adoptions, name changes, emancipation of minors, parental consent for abortions, etc as identified by Act 682 of 2002; MCL 600.1021 (1) (b), (c), (d), (e), and (l) will be assigned to the Probate Judge unless there is an open or pending domestic case involving that child or a sibling of that child, in which case, those matters will be assigned to the Circuit Judge in charge of the domestic case to effect one family/one judge. When a new matter is filed with the court under this paragraph and one or more of the children currently is/are the subject of an open or pending domestic matter, the entire new case, including the child not the subject of the

open or pending matter, shall be assigned to the judge presiding over the open or pending matter. When two or more different judges currently have open or pending matters involving children in the new matter, the Chief Circuit Judge shall determine the most appropriate judicial assignment of the new case and may reassign domestic files to accomplish the one-family, one-judge policy.

New personal protection order requests involving respondents who are minors shall be assigned to the Probate Judge, unless an open or pending domestic matter or PPO file exists involving one or more of the parties or minor. In those cases, the judge with the existing file shall be assigned to the new case. The above-described procedure, as applied to all protective proceedings..., shall be utilized to achieve judicial continuity for PPOs.

New personal protection order requests with an adult as the respondent shall be assigned by lot to one of the circuit court judges, unless the parties are or have been before the Circuit Court on a case involving divorce, custody, parenting time, paternity, or a PPO. In those situations, the new PPO petition shall be assigned to the judge who presides or presided over the prior action.

Family Court Cases (including PPOs) in which proper assignment is unclear and cases that might be better served by an exception to the assignment policy shall be submitted to the Chief Circuit Judge for determination of the proper assignment.

All guardianships and conservatorships shall be filed and maintained in the Probate Court. In those cases that involve a minor guardianship or conservatorship in which the minor is already under an open or pending Family Court case assigned to one of the circuit court judges, that case shall be assigned to that judge, as a Probate Judge. The Circuit Court Judge shall act as a Probate Judge for purpose of achieving one-family, one-judge regarding those cases. The Chief Probate Judge will handle all the cases not otherwise assigned. The Probate Court Register and Deputies will coordinate the delivery of files to the appropriate judge.

Guardianship and conservatorship cases in which proper assignment is unclear and cases which might better be served by an exception to the assignment policy shall be submitted to the Chief Probate Judge for determination of the proper assignment. Routine orders of appointment of guardians ad litem and orders closing files upon death or attaining the maximum jurisdictional age may be signed by the Chief Judge, regardless of judicial assignment.

Preliminary hearings and inquiries in neglect and delinquency cases, and temporary minor guardianships may be heard by any available judge or referee without regard to assignment. Administrative closure of guardianships and conservatorships may be handled by the Chief Probate Judge.

In the event of judicial illness, vacation, special programs, or docket congestion; a judge or referee, other than the one assigned, may hear a matter.

Pursuant to P.A. 682 of 2002; MCL 600.1021(2)(b) the Family Division of Circuit Court has ancillary jurisdiction over cases involving treatment of, or guardianship of, mentally ill or developmentally disabled persons under the Mental Health Code. Having given this issue due consideration, it is determined that maintaining the "one judge, one family" rule in these matters is not practicable. Therefore, all matters falling within the Mental Health Code, 1984 P.A. 258, MCL 330.1001 to 330.2106 shall be assigned to the Chief Probate Judge and may be reassigned to other judges handling mental health proceedings for judicial economy.

If a judge is disqualified pursuant to MCR 2.003, the case shall be reassigned pursuant to the Allegan County Concurrent Jurisdiction Plan, which has been adopted consistent with MCR 8.111(C),

The Chief Circuit Judge will apply rule 8.110 and 8.111 to effect a balance of caseload between judges, if a material discrepancy in caseload develops.

The fact exists that no one judge could manage the caseload of the Family Division which will comprise itself of approximately 60% of the Probate and 40% of the Circuit Court caseload at present time. Given the limited number of judges available to handle the separate caseload of both courts and to promote efficiency, it is necessary to appoint all three (3) judges to the Family Division, keeping each family to the extent possible to one judge.

The Chief Circuit Judge shall have the authority and flexibility to determine the duration of a judge's service in the Family Division.

This plan is to be amended when either the caseload or number of judges becomes such as to make it practical to appoint a judge full time to the Family Division.

Pending case is any case where original issues are yet to be adjudicated or are pending final order.

Open cases are those which remain with minor children requiring continued supervision by the Court.

Court scheduling will be the responsibility of the respective Assignment Clerks for the Circuit and Probate Courts. The clerks will coordinate the cases to effect an efficient flow of work. The assignment clerks will, to the extent possible, give priority to the cases of this division.

JURY PANELS

One jury pool would facilitate better use of judicial and juror resources by allowing the Probate Judge assigned to Family Court to back up Probate and Family Court matters to each other for assigned trial dates. Probate jurors shall be drawn and processed in the same manner as circuit court jurors from the circuit court pool.

RECORDS MANAGEMENT

Having afforded the County Clerk the opportunity to review and comment with regard to management of Circuit court records, pursuant to Statute, the Allegan County Clerk shall be responsible for Circuit court records. This includes both domestic files and juvenile files which shall be maintained separately, although the clerk will provide for a system to coordinate files to effectively bring these before the Family Judge handling each family as the need arises. All filings pertaining to these matters shall be made at the County Clerks Office.

Probate Court shall maintain all records regarding all guardianships and conservatorships and shall make those files available to the Probate Judge and the Probate Judge by assignment to facilitate the implementation of this plan. All filings pertaining to these matters shall be made at the Probate Court.

All Circuit court fees that are applicable will be paid to the County Clerk and accounted for by the County Clerk.

The Allegan County Clerk shall keep and provide case statistics as required by the statutes, court rule, administrative order, or Chief Judge.

Family shall be defined for purposes of this plan as legal parents and their children, including siblings.

The records of the Circuit Court, to the extent public, will be made available subject to sufficient safeguards to guarantee their accuracy by the County Clerk at the Clerks Office. Notice of rules for access will be publicly displayed at the Clerks Office, as well as, a daily display of the hearings scheduled to be held in the Family Division of Circuit Court.

The Circuit Court Family Division Assignment Clerk(s) shall, upon proper request, make available the dates and times of all hearings scheduled in the Family Division.

TRAINING AND STAFF

Training of Family Court staff shall be provided under the direction of the Chief Judge in conjunction with the Administrative Team.

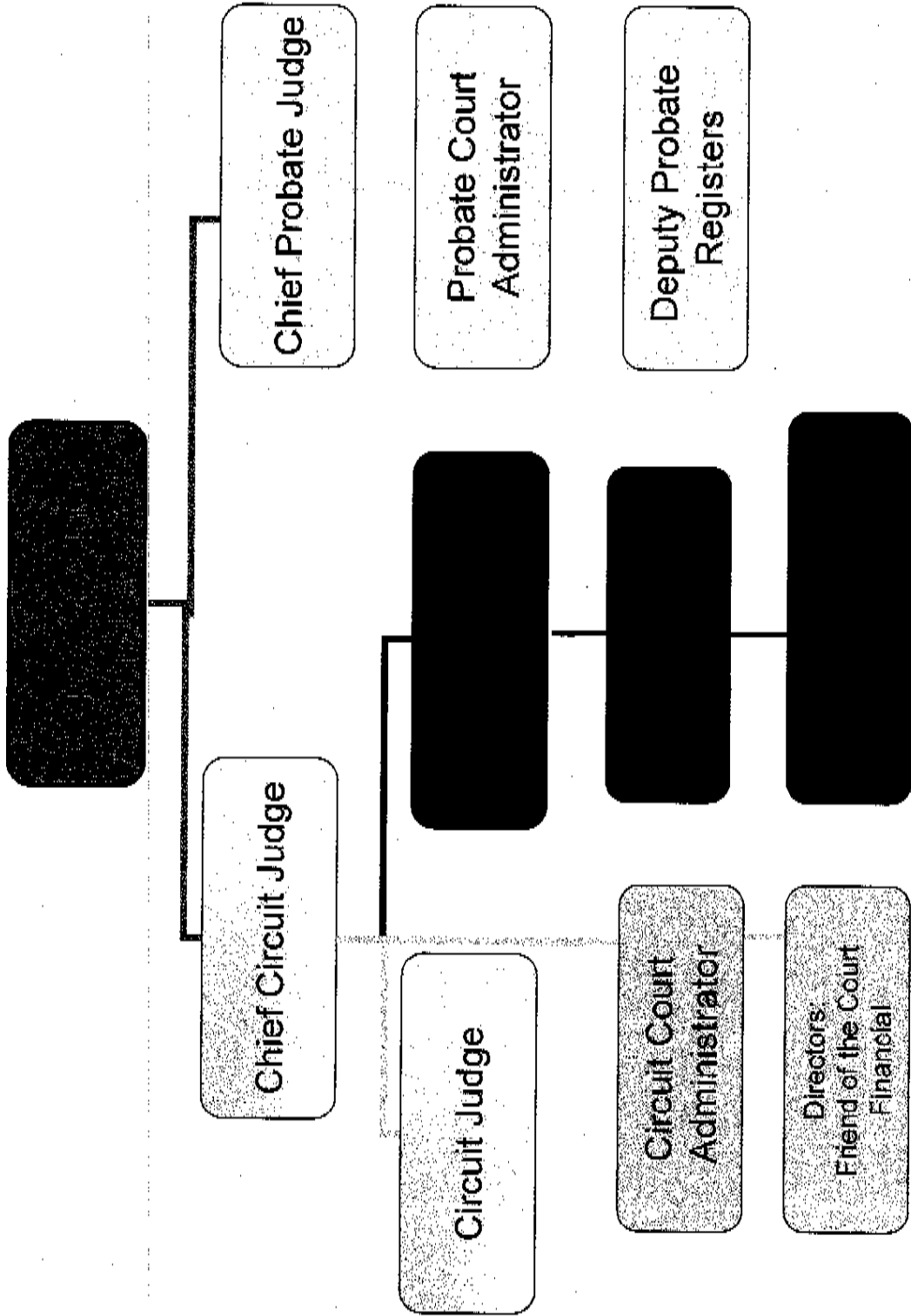
The Court will cross-train assignment personnel to better effect caseflow management of the Courts.

The Court will offer general training to all personnel to ensure general knowledge of the function and to promote the mission of the Family Division of the Circuit Court.

Allegan County provides physical facilities for operation of the Court. The Chief Judge and Administrative Team will attempt to facilitate appropriate facilities, as needed, and will work to effect improvement thereto, as the need and/or opportunity arises.

The implementation of the plan shall be coordinated by the Chief Circuit Judge working with the County Board of Commissioners, the County Clerk, the Judges of the Family Division and the Administrators of the Courts to provide the necessary physical facilities, such as, attorney conference rooms; safety and access to facilities during non-traditional hours; sufficient personnel for services required; and the necessary administrative instruction for each department of the Court as shall be determined necessary to provide for orderly court functioning.

FAMILY COURT PLAN



STATE OF MICHIGAN
BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

August 28, 2014

48TH CIRCUIT COURT—APPROVE JUVENILE CENTER OPERATION AGREEMENT

BE IT RESOLVED that the Allegan County Board of Commissioners hereby approves the Juvenile Center Operation Agreement with the 48th Circuit Court as presented; and

BE IT FURTHER RESOLVED that the Board Chairman and/or the County Administrator are authorized to sign the necessary documents on behalf of the County and that the Executive Director of Finance is authorized to make the necessary budget adjustments to complete this action.

Moved by Commissioner Thiele, seconded by Commissioner Kapenga to immediately adopt the resolution as presented.

Motion carried by roll call vote: Yeas - 7 votes. Nays - 0 votes. Absent - 0 votes.

ATTEST, A TRUE COPY

Jane D. Watts, Clerk-Register

APPROVED: August 28, 2014

cc: Admin. - Finance - Human Resources

Agreement For Operation Allegan County Juvenile Center

This agreement is entered into by and between the Allegan County Board of Commissioners (the "Board") by its Chairman and the 48th Circuit Court (the "Court") by its Chief Judge:

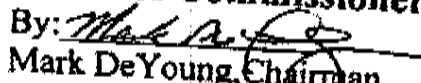
Whereas, the Allegan County Juvenile Center has historically operated as an agency of the Court pursuant to Section 16 of Chapter XIA of the Michigan Probate Code, MCL 712A.16; and

Whereas, Public Act 409 of 1996 amended MCL 712A.16 to provide, effective January 1, 1998, that the Juvenile Center shall be operated under the direction of the County Board of Commissioners, unless a different method for operation of the center is agreed upon by the Chief Judge of the Court and the Board; and

Whereas, the previous agreement for operation of the Juvenile Center has expired; and

In consideration of the foregoing, the parties hereby agree as follows:

- I. Pursuant to the terms of Section 16 as provided above, the parties agree that the Juvenile Center shall be operated under the direction of the Family Division of the Circuit Court.
- II. The Court shall allow the County to seek and obtain information necessary to evaluate the effectiveness and efficiency of the operation of the Juvenile Center.
- III. This agreement shall remain in effect until such time as either party provides written notice of intent to withdraw or until a change in the law renders the agreement null and void. In the event of termination pursuant to the written notice provision, termination shall be effective 90 days from the date of the written notice.
- IV. This agreement may be amended only by a properly executed writing signed by both parties.

Board of Commissioners
By: 
Mark DeYoung, Chairman

48th Circuit Court
By: 
Margaret Zuzich Hakker
Chief Judge