

**PLAN FOR OPERATION OF THE FAMILY DIVISION
OF THE CIRCUIT COURT**

BERRIEN COUNTY CIRCUIT AND PROBATE COURTS

ADMINISTRATIVE ORDER 2003-02

Effective Date: June 24, 2003

The undersigned affirm that the information contained in this plan represents the full agreement of the chief judges involved in developing the plan and supersedes the plan submitted in July 1997.

Paul L. Maloney
Chief Circuit Court
Trial Court Chief Judge

Thomas E. Nelson
Chief Probate Judge

Date

Date

BACKGROUND

Since becoming a demonstration project in 1996, the Berrien County Trial Court has been functioning with a Civil, Criminal, and Family Division as opposed to the traditional Circuit, Probate, and District Court alignment. Because the legislature has mandated a Family Division and because the vast majority of judges of the county believe that civil, criminal, and family matters are far more efficiently handled by individual divisions, the judges of Berrien County request to continue functioning within the three divisions of Civil, Criminal, and Family.

1. Judicial Administration

- A. The Chief Judge of the Trial Court will have the duties and powers outlined in MCR 8.110 (C) and shall have supervisory authority over the Family Division.
- B. In conformance with MCR 8.110 (B), the Chief Judge of the Trial Court shall appoint a Presiding Judge of the Family Division.
- C. The Presiding Judge of the Family Division shall have supervisory authority over the Friend of the Court office and the facilities, personnel, policies, procedures, and practices of the Family Division.
- D. The Judicial Council in Berrien County will function with representatives of the Family Division, Civil Division, and Criminal Division.

2. Administrative Structure

- A. Staff and Services
 - 1. Public and private agencies and service providers providing services to families within the jurisdiction of the Family Division will continue to provide services.
 - 2. The Friend of the Court staff will maintain their current administrative structure. The Friend of the Court will report to the Trial Court Administrator and to the Presiding Judge of the Family Division.
 - 3. Juvenile Division staff will be within the administrative structure of the Family Division of the Trial Court and will report to the Family Division Administrator and to the Presiding Judge of the Family Division.
 - 4. Domestic relations files, the clerical staff assigned to domestic relations files, the Personal Protection Coordinator, the Probate Register and Deputy Registers are located in the Family Division File Room. The Family Division Judges and the County Clerk have reached an agreement with regard to the duties and responsibilities of the County Clerk within the Family Division. A copy of their letter of understanding is attached hereto.

5. The Family Counseling Act Fund will be under the direction of the Friend of the Court and the Presiding Judge of the Family Division.

B. Facilities and Facilities Management

1. All facilities utilized by the Family Division are owned or leased by the County of Berrien. The Family Division Administrator and the Presiding Judge of the Family Division are responsible for management of the Berrien County Juvenile Detention Center.

C. Budget

1. The Presiding Judge of the Family Division and the Family Division Administrator, in consultation with the Family Division Judges, will have the responsibility to develop and submit proposed budgets for the Family Division to the Trial Court Administrator and Chief Judge of the Trial Court. The Chief Judge of the Trial Court shall review and make a final determination regarding the proposed budgets which he/she will submit to the funding unit. The Friend of the Court will monitor the budget expenditures for the Friend of the Court final approved budget. The Family Division Presiding Judge and Family Division Administrator will monitor all other Family Division approved budgets.
2. The County Clerk shall propose the necessary budget for the domestic relations clerks, the Personal Protection Coordinator, and the necessary materials for those personnel in the Family Division. The County Clerk shall also monitor the budget as approved by the funding unit.

D. Organizational Chart

1. An organizational chart reflecting the structure described above is attached.

3. Judicial and Case Assignment

A. Number of Judges

1. The Chief Judge of the Trial Court shall assign at least three full-time Judges to serve in the Family Division. These Judges will handle the Probate Court caseload as well as Family Division cases as outlined in paragraph four.

2. The Family Division currently employs three full-time Juvenile Attorney Referees, and the Friend of the Court has two Attorney Referees. In addition, the Trial Court's Civil Division Judges shall assist the Family Division Judges by handling all non-domestic Personal Protection Order matters (initial petitions, objection, modification, termination expansion, violation hearings) and all DeNovo requests involving child support modification.
3. Pursuant to MCL 600.1011(7), the Circuit Court Chief Judge and Probate Court Chief Judge shall conduct periodic review and revision to the plan as necessary.

B. Methodology Used to Select Judges

1. Judges assigned to the Family Division shall receive appropriate continuing training through the Michigan Judicial Institute and other educational entities to develop judicial expertise to serve the interests of families and children. At the present time, two Probate Judges and one District Judge are assigned full-time to the Family Division. The allocation of Judges to the Family Division is based upon the experience of the Berrien County Trial Court, which has had an operating Family Division since October 14, 1996. Three Judges are assigned on a full-time basis to this division and case/work allocation is regularly monitored by the Family Division Presiding Judge and Chief Trial Court Judge.

4. Caseflow Management

- A. Each Family Judge's name is printed on cardstock. The cardstock is shuffled in lots. Family cases are assigned at the time of filing by the clerk through a blind draw. Probate Court cases are also assigned among the three Family Judges by blind draw, unless one of the Family Judges is a District Court Judge. Trust and Estate cases will be randomly assigned to the Judges in the Family Division who are Probate Judges.
- B. The "one judge/one family concept " will be followed in all new Family Division cases filed within five years of a prior case involving the same family. A "case involving the same family," for the purposes of this rule, will include a situation where a current party to the new case (or in the case of a juvenile or minor, his/her legal parent or sibling) was a party to a previous Family Division type case active in the past five years before one of the current Family

Division Judges or his/her predecessor. The party opening the new case is to advise the clerk of the prior Family Judge involved in the case. The clerk opening the case shall review the Family, Civil, Probate, and Juvenile file indexes for previous family cases. If a Family Judge was involved with the family within the past five years, the case will be directed to that Judge for consideration as to whether he/she should continue to hear the new case. If the Judge decides that he/she should hear the new case, it will be assigned to him/her. Otherwise, the new case will be assigned by the random assignment system adopted by the Family Division. In addition, the Trial Court's Civil Division Judges shall assist the Family Division Judges by handling all non-domestic Personal Protection Order matters (initial petitions, objection, modification, termination expansion, violation hearings) and all DeNovo requests involving child support modification.

5. Facilities and Records Management

A. Location of File Rooms

1. The Friend of the Court office is located on the fourth floor. The Family Division File Room located on the fourth floor includes the Probate Court Register, Deputy Registers, all of the domestic files, file staff, and Personal Protection Coordinator from the County Clerk's office. The Juvenile Register's office is located in a different area on the fourth floor of the courthouse. Juvenile case filings and other matters involving juvenile issues will be handled in the Juvenile Register's office.

B. Central Access Point

1. The Family Division File Room will be the central access point to provide the public and the bar information regarding probate and domestic relations matters, court related activities, filing of documents, access to records, hearing schedules, etc. Juvenile matters will continue to be handled in the Juvenile Register's office, and matters involving the Friend of the Court will be handled by staff in that office. All staff housed on the fourth floor are sufficiently familiar with each of these operations to refer members of the public and the bar to the appropriate office to address their needs.

C. File Storage

1. The files will continue to be stored, destroyed, etc., in accordance with the established policies of both the Circuit Court and the Probate Court, nearly all of which are governed by statutory retention schedules as well as the current plan employed by the county for the storage of dead files.

D. Juvenile Detention Facility

1. Berrien County maintains a juvenile detention and residential treatment facility. That facility will be part of the new Family Division of the Circuit Court and will be under the immediate supervision of the Director of the Juvenile Center, who will report to the Administrator of the Family Division and the Presiding Judge of the Family Division.

6. Training and Staff

- A. Probate Court staff and Family Division staff assigned to domestic files have been integrated. Cross-training will be provided so that clerical staff becomes as integrated as possible. As previously noted, an agreement has been reached with the County Clerk with regard to the supervision of staff and the handling of files.