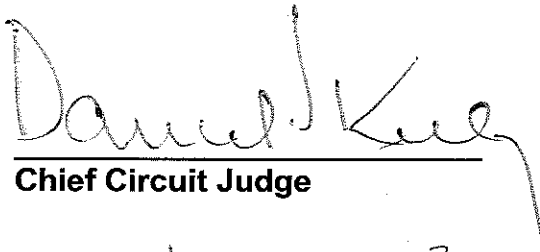


Plan for Operation of the Family Division of the Circuit Court

31<sup>st</sup> Circuit Court

The undersigned affirm that the information contained in this plan represents the full agreement of the Family Division Judges and the Chief Judge of the Circuit Court.

  
\_\_\_\_\_  
Chief Circuit Judge

Dated: 4-30-13

  
\_\_\_\_\_  
Presiding Judge of Family Division

Dated: April 30, 2013

  
\_\_\_\_\_  
Family Division Judge

Dated: 4/26/13

  
\_\_\_\_\_  
Family Division Judge

Dated: 4/29/13

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**ORDER ADOPTING FAMILY DIVISION PLAN**

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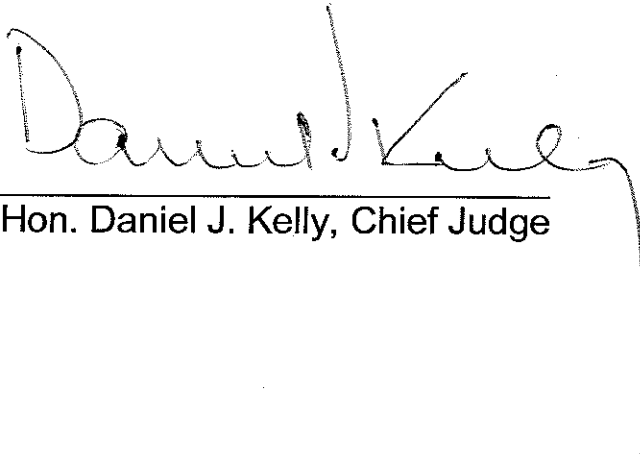
**IT IS ORDERED**

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. This Order rescinds administrative order 2007-1-J

Effective Date:

Date:

4-30-13



Hon. Daniel J. Kelly, Chief Judge

**Mission Statement:** The mission of the judiciary is to serve the public by protecting individual rights, providing fair and responsive forums for the resolution of family court matters. The Court strives to be fair in its treatment of all citizens, and effective in providing principled, timely, and enforceable judgments. It works to be accessible to all citizens in a convenient, dignified, and affordable manner, and to be accountable for its use of public resources.

### **Plan Requirements**

- A. General** – The 31<sup>st</sup> Circuit Court will maintain a Family Division pursuant to this plan as required by MCL 600.1011, as amended by 2002 PA 682. The Chief Judge of the Circuit Court has supervisory authority over the administration of the Circuit Court including the Family Division. This plan supersedes the prior plan (March 2007) approved for the operation of the Family Division.

The total number of judicial resources assigned to the Family Division reasonably reflects the workload of the Family Division.

In order to estimate the judicial resource requirements, consideration was given to the caseload filings, pending cases, growth trends, and available judicial and staff resources. Consideration was further given to case processing priorities as established by court rule and to the capacity of Probate/Juvenile and Friend of Court referee mechanisms in St. Clair County. Family Division judicial resource requirements have been adequately met and therefore will continue with the current allocation of judicial time along with the referees currently available from the Circuit and Probate/Juvenile Courts.

The duration of a judge's service to the Family Division is consistent with the goal of developing sufficient judicial expertise in family law to properly serve the interests of the families and children of St. Clair County. The Chief Judge of the Circuit Court has the authority and flexibility to determine the duration of a judge's service to the Family Division.

The plan shall be reviewed, revised, and extended every three (3) years from the date hereof by the Chief Judge of the Circuit Court after consultation with the Family Division Judges.

- B. Judicial Resources/Service** – Hon. Cynthia L. Lane will serve as the Presiding Judge of the Family Division of the Circuit Court. This appointment was made by the Chief Judge of the Circuit Court. Judge Lane will continue to handle Circuit Court Criminal Actions as well as Family Division – Domestic Relations and Family Division – Miscellaneous Proceeding cases assigned by lot. Judge Lane will also handle all Family Division cases previously assigned to Judge Adair.

The Presiding Judge of the Family Division will advise the Chief Judge of the Circuit Court as to requirements for facilities, budgets and other resource needs,

direct the activities of the Friend of Court, Family Division Administrator, oversee other Family Division Programs and coordinate with the County relative to Juvenile Detention Services. The Presiding Judge may recommend modifications to the case assignment formula and/or the creation of specialized dockets as may be necessary to manage the caseload of the Family Division. The Chief Judge of the Circuit Court shall submit all necessary budget requests to the appropriate funding authorities pursuant to requirements of law.

Hon. Elwood L. Brown is assigned full time to the Family Division of the 31<sup>st</sup> Circuit Court to handle juvenile and adoption matters, and other Family Division matters assigned by lot.

Hon. John D. Tomlinson is assigned to the Family Division of the 31<sup>st</sup> Circuit Court to handle matters assigned by lot. Judge Tomlinson will also continue to handle Probate matters. In addition, Judge Tomlinson should also be assigned those Domestic Relations cases when he already has a guardianship over the minor children in the case.

All judges of the Family Division will accept reassignments of Family Division cases as directed by the Presiding Judge.

- C. Assignment of Cases** – Each Family Division Judge will be assigned by lot an equal portion of new cases. This allows for individual judicial calendars for Family Court Domestic Relations case types. Juvenile case types previously in the jurisdiction of the Probate Court are assigned to the full time Family Division Judge.

Transfer of cases where there is a transition in judges will be addressed by administrative order of the Chief Judge of the Circuit Court and or modifications to this plan as may be appropriate to the circumstances.

Reassignments as a result of disqualification are by lot within the Family Division. Where all Family Division Judges are disqualified reassignments are by lot among the remaining Circuit Court Judges.

When matters within the concurrent jurisdiction of the Family Division involving members of the same family are pending before multiple judges, those matters, whenever practical, shall be assigned to the judge to whom the first such case was assigned. The definition of pending for purposes of the plan will be as follows:

Any case over which the Family Division of the Circuit Court has jurisdiction and where one or more issues have not been adjudicated nor had a final judgment or order entered.

- D. Administration** - The administrative structure of the Family Division shall be as reflected in the attached organizational chart and as outlined below:

- The Friend of the Court reports to the Chief Circuit Judge through the Presiding Judge of the Family Division.
- Probate Juvenile staff report to the Presiding Judge of the Family Division through the Family Division Administrator.
- Agencies providing assistance for matters in the jurisdiction of the Family Division of the Circuit Court will do so through the Family Division Administrator.
- Staff of the Juvenile Division 1238 Michigan Road facility (Day Treatment/Night Watch Program) report to the Presiding Judge of the Family Division through the Family Division Administrator.
- The Juvenile Detention facility located at 1170 Michigan Road will provide services to the Family Division through the Presiding Judge of the Family Division and the Facility Manager designated by the County.
- The Family Counseling Program authorized by MSA 25.33 will be under the direction of the Presiding Judge of the Family Division.
- Other functions not specified above will be coordinated by the Chief Judge of the Circuit Court.

**E. Facilities Management** – St. Clair County manages all facilities utilized by the Courts including the Family Division. The Family Division of the Circuit Court will be housed in the County Courthouse where practical. P.A. 409 designates the County as responsible for the operation of a youth detention facility in the absence of an agreement between the Court and the County. The Court and the County agree that the County will manage the Juvenile Detention Center with the Court maintaining administrative and fiscal control/oversight over the operation. This agreement will be supported by a letter of understanding detailing the responsibilities of each party. The County will maintain the State operating license under the County name as manager of the facility. Funding for the facility will be provided by the Child Care Fund with the County matching funds pursuant to current statutes.

**F. Records Management** – The location and management of court records for the Family Division was developed in cooperation with the County Clerk.

New domestic relations cases within the jurisdiction of the Family Division will be filed with the County Clerk. Clerical staff of the Probate/Juvenile Court who are responsible for receiving filings and managing files of cases under the jurisdiction of the Family Division are deputized by the County Clerk for the purpose of maintaining and receiving juvenile filings. Juvenile cases will be filed and maintained as is currently done.

The central access point for records and court information will be the Clerk of Court Office. Information about Family Division court schedules, record access and records storage including filing procedures can be obtained by contacting this office.

31<sup>st</sup> Circuit Court Family Division

