

Family Court Plan Requirements and Guidelines

I. Introduction

Pursuant to MCL 600.1011, as amended by 2002 PA 682, each judicial circuit is required to establish a family court plan. Supreme Court Administrative Order 2003-2 further requires that the family court plan be submitted in accordance with the statute and guidelines provided by the State Court Administrative Office.

Family court plans must be filed with the State Court Administrative Office no later than July 1, 2003. Courts must submit complete family court plans that replace current family division operation plans.

Family court plans must conform to the following plan requirements and guidelines. The requirements identify elements which *must* be included in plans. The guidelines identify elements which *may* be included in plans. These plan requirements and guidelines combine many of the requirements and guidelines adopted for initial implementation of the family division with new requirements and guidelines consistent with 2002 PA 682. Authority is cited for each of the plan requirements and guidelines.

Plans shall include provisions that ensure that a judge's service in the family division is consistent with the requirement to develop judicial expertise in family law. [MCL 600.1011(3)] This may be addressed in the introductory section.

Chief circuit and chief probate judges are encouraged to review existing family division plans to ensure that plans reflect the actual practice of the family court in their judicial circuit.

II. Plan Requirements and Guidelines

A. General

Plans shall be referred to as "family court plans". [MCL 600.1011(1)]

Plans shall state that the chief judge of the circuit court has supervisory authority over the administration of the family division of the circuit court. [Family Division Implementation Task Force]

Plans involving a multi-judge family division shall provide for the appointment of a presiding judge of the family division, made by the chief judge of the circuit court after consulting with the judges serving in the family division. [MCR 8.110(B)(2); Family Division Implementation Task Force]

Separate plans shall be developed for the counties in a probate court district where there are counties located in different judicial circuits. [MCL 600.1011(1); Supreme Court Administrative Order 2003-2]

Plans shall state that there will be periodic review and revision of the plan, as necessary, by the chief circuit and chief probate judge(s). [MCL 600.1011(7)]

Plans shall state that the family court plan supersedes prior plans that have been approved for the operation of the family division. [Supreme Court Administrative Order 2003-2]

B. Judicial Resources/Service

Plans shall provide that the chief judge of the circuit court has the authority and flexibility to determine the duration of a judge's service in the family division. [MCL 600.1011(3)]

Plans shall address the number of judges who will serve in the family division and shall specifically identify all circuit and probate judges serving pursuant to the plan. [MCL 600.1011(6); Supreme Court Administrative Order 2003-2]

Plans shall provide that judges should serve full-time in the family division when practicable and where sufficient caseload and judicial resources exist. [Family Division Implementation Task Force]

C. Assignment of Cases

Plans shall state how cases will be assigned to judges serving in the family division, recognizing the applicability of MCR. 8.111 - Assignment of Cases. [MCR 8.111(B); Family Division Implementation Task Force]

Plans should articulate objective criteria for assignment of cases among family division judges. Case assignment plans shall be submitted as local administrative orders pursuant to MCR. 8.112. Plans shall address how cases will be assigned as a result of disqualification of judges. [Family Division Implementation Task Force]

Plans shall address transfer of cases to family division judges and provide for a transition from currently assigned judges. Pending and new cases shall be assigned under the one judge/one family concept, when practicable. [MCL 600.1023; Family Division Implementation Task Force]

Plans may address whether, when a judge's service in the family division ends, pending cases will be reassigned to another family division judge or will be resolved by that judge. [MCL 600.1011(5)]

D. Administration

Plans shall address all specific elements of administrative structure, e.g. - coordination of staff, clarification of supervisory responsibilities, and the budget process. Plans shall include an organizational chart for the family division. [Family Division Implementation Task Force]

Plans may provide for review of existing facilities to determine the best ways of meeting the needs of families using the family division. Plans may provide that this review occur during any modification or construction of new facilities. The review should consider the following: places for child care during hearings or other meetings; places for supervised parenting time; places for attorney/client meetings; ways to limit danger of injury to court employees, the public, and records; and safe access to facilities during non-traditional hours. [Family Division Implementation Task Force]

Plans involving a court where there is a youth detention facility shall indicate who is responsible for operation of the facility, and should identify the position of facility manager within appropriate lines of authority. Designation of the facility manager should be flexible in accordance with local needs. [Family Division Implementation Task Force]

E. Records Management

Plans shall clearly define the process and place for filing court documents by the public and the bar. [Family Division Implementation Task Force]

Plans shall designate a central access point, for all counties in the circuit, to provide the public and bar information regarding the family division and related activities, such as where to file documents, records storage, records access, and case scheduling information. [Family Division Implementation Task Force]

Plans shall indicate that the county clerk has been afforded the opportunity to participate in the development of plans for management of court records. The county clerk may submit a letter with plans indicating concurrence or disagreement with plans regarding management of court records, which the chief judge shall submit to the State Court Administrative Office when the family court plan is filed. [Supreme Court Administrative Order 2003-2; MCL 600.1007]

Plans may address the internal transfer of files and documents, including development of electronic bridges and security of file materials and court personnel. [Family Division Implementation Task Force]