

May 28, 2009

Mr. Barry Joseph
State Court Administrative Office
P.O. Box 02984
Detroit, Michigan 48202

RE: 2009 Revised Family Court Plan
38th Judicial Circuit Court

Dear Mr. Joseph:

Enclosed please find our 2009 Revised Family Court Plan for the County of Monroe. We would appreciate the State Court Administrative Office's response as soon as possible

Thank you for your assistance in this matter.

Sincerely,

Hon. Pamela a. Moskwa
Chief Judge of Probate
Enclosure.
PAM/lis

STATE OF MICHIGAN
IN THE 38th JUDICIAL CIRCUIT COURT FOR THE COUNTY OF MONROE
2009 REVISED FAMILY COURT PLAN

Local Administrative Order: P58 2009-01J

This administrative order implements the 2009 Revised Family Court Plan of the 38th Judicial Circuit Court of Monroe County, Michigan, as outlined below.

This 2009 Revised Family Court Plan and this implementing local administrative order rescind, supercede and replace all prior Family Court Plans and any local administrative orders implementing those plans as required by Public Act 682 or 2002 and Michigan Supreme Court Administrative Order 2003-2. Specifically, Joint Local Administrative Order **P58-2008-01J is hereby rescinded.**

This Revised Family Court Plan outlines the operation of the Family Division of the 38th Judicial Circuit Court and the coordination of services of the agencies listed in MCL 600.1043.

The chief judge of the circuit court and the chief judge of the probate court have reviewed this plan and received input from the respective benches. The Monroe County Clerk has been advised of this plan and has had an opportunity to provide comment.

This Revised Family Court Plan and administrative order are hereby adopted by the chief judge of the Thirty Eighth Judicial Circuit Court and the chief judge of the Monroe County Probate Court pursuant to MCL 600.1011, as amended by 2002 PA 682, MCR 8.112(B) and Supreme Court Administrative Order 2003-2.

Subject to approval by the State Court Administrative Office, this 2009 Revised Family Court Plan shall take effect on June 1, 2009.

Section I. Introduction to 2009 Revised Family Court Plan

- A. Purpose:** The purpose and objective of this plan is to coordinate the services of the agencies listed in MCL 600.1043 so as to continue to promote and provide quality, efficient, effective and responsive service to children and families as well as other individuals who come before the court.
- B. Judicial Expertise:** Each judge's service pursuant to this plan shall be consistent with the requirement of developing sufficient judicial expertise

in family law to properly serve the interests of the families and children whose cases are assigned to that judge. MCL 600.1011(3)

- C. **One Judge – One Family:** All cases will be assigned according to a “one judge / one family” concept except as otherwise noted.
- D. **Periodic Review:** The chief circuit court judge and the chief probate court judge shall review and revise this Plan periodically, as set forth in more detail below. MCL 600.1011(7)

Section II. Administration of the Family Division

A. Administrative Structure and Responsibilities:

1. **Chief Judge of Circuit Court – Authority:** The chief judge of the circuit court has supervisory authority over the administration of the family division of the circuit court and all duties and powers set forth in MCR 8.110.

Further, the chief judge of the circuit court shall have the authority and flexibility to determine the duration of a judge’s service pursuant to the plan in furthering the goal of developing judicial expertise in family law. MCL 600.1011(3)

2. **Family Division shall consist of Two Sections:** The Family Division of the 38th Circuit Court shall be divided into two sections as follows:

- The Domestic Relations Section of the Family Division

- o The Domestic Relations Section consists of all of the following:
- o Cases designated with a case code types defined by the Michigan Court Rules as “Family Division -Domestic Relations” specifically MCR 8.117 (A)(6)(a thru x); and “Family Division Miscellaneous Proceedings” specifically MCR 8.117 (A)(9) (b, e, f and h)
- o All administration involving the above specified case types, falls under the Domestic Relations Section including but not limited to the following personnel and operations:

The Office of the Friend of the Court is part of the Domestic Relations Section. All matters relating to the administration and processing of cases of the Domestic Relation Section including but not limited to budgeting, financial matters, employee relations, collective bargaining agreements, media relations, funding unit relation, continuing legal education, and court appointed attorney policies, shall be under the

control of the presiding judge of the Domestic Relations Section, or such circuit court judge as may be designated by the chief judge of the circuit court.

- **The Juvenile Section of the Family Division**

- o The Juvenile Section consists of all of the following:
- o Cases designated with case code types defined in the Michigan Court Rules as "Family Division-Proceedings under Juvenile Code", specifically MCR 8.117(A)(7) (a thru e) and "Family Division-Proceedings under the Adoption Code", specifically MCR 8.117(A) (8)(a thru k) and "Family Division – Miscellaneous Proceedings" specifically MCR 8.117(A)(9)(a,c,d, and g) and MCR 8.117(A)(9)(e and f but only if the PPO respondent is under age 17); "Family Division- Ancillary Proceedings" specifically MCR 8.117(A)(10).
- o All administration involving the above specified case types, falls under the Juvenile Section, including but not limited to the following personnel and operations:

The Family Division operates the Monroe County Youth Center, a juvenile detention and treatment center. The Superintendent of the Monroe County Youth Center manages that facility and shall be supervised by the presiding judge of the Juvenile Section and the Administrator of the Juvenile Section.

Also, the county juvenile officers and assistant county juvenile officers, the Juvenile Probation Department, the Juvenile Register's Office, the Juvenile Referee, the Juvenile Section Administrator, the Adoption Services worker, the Financial Coordinator, and the Juvenile Drug Court and all juvenile programs are all part of the Juvenile Section.

All matters relating to the administration and processing of cases of the Juvenile Section, including but not limited to budgeting, financial matters, employee relations, collective bargaining agreements, media relations, funding unit relations, continuing legal education, and court appointed attorney issues shall be under the control of the chief judge of probate or such judge as he / she may designate.

3. Two Presiding Judges – One for each Section: The chief judge of the circuit court, in consultation with the other judges serving in the family division shall appoint two presiding judges – one judge to preside over

each section of the Family Division. Except for good cause shown, the circuit judge serving full time in the Domestic Relations Section shall be the presiding judge for the Domestic Relations Section and the chief probate court judge shall be the presiding judge of the Juvenile Section, now therefore:

IT IS HEREBY ORDERED THAT the circuit judge serving full time in the Domestic Relations Section (currently Hon. Michael Weipert) is appointed the presiding judge of the Domestic Relations Section and,

IT IS HEREBY ORDERED THAT the chief judge of probate court (currently Hon. Pamela A. Moskwa) is appointed the presiding judge of the Juvenile Section.

Any administrative matters not specifically assigned to a section shall be administered by the chief judge of the circuit court in consultation with the other circuit court judges and probate court Judges.

4. Number of Judges Assigned to the Family Division: The chief judge of the circuit court by agreement with the chief judge of the probate court, and after consultation with all the judges of the Family Division [subject to Section V(B)], shall have the authority to determine the number of judges who will serve in the Domestic Relations Section and the number of judges who will serve in the Juvenile Section.

5. Domestic Relations Section Judges: The three circuit court judges will be assigned to the Domestic Relations Section of the Family Division. Of those, one will be assigned full time and two will be assigned part time. Additionally, the two probate court judges will be assigned to the Domestic Relations Section on a part time basis.

Judicial service in the Family Division shall be of sufficient duration to develop and maintain judicial expertise in the area of "family law". In the event that a vacancy occurs in the Criminal / Civil Division of the Circuit Court, judicial seniority will be a factor used to evaluate a request to transfer out of the Domestic Relations Section.

6. Domestic Relations Section Administration: The full time domestic relations judge, as presiding judge of the Domestic Relations Section, will have supervisory authority over the Domestic Relations Section.

7. Juvenile Section Judges: The two probate court judges will be assigned to the Juvenile Section on a part time basis. Also, the circuit court judges will be assigned to the Juvenile Section for the limited

purpose of handling emergencies in the event both probate judges are unavailable.

8. Juvenile Section Administration: The chief judge of the probate court, as presiding judge of the Juvenile Section, will have supervisory authority over the Juvenile Section and all the duties and powers set forth in MCR 8.110.

The chief judge of the probate court may also delegate certain authority and responsibilities to the Juvenile Section Administrator.

9. Budget: A coordinated budget for the circuit court will be prepared. The chief judge of the circuit court and the chief judge of probate court will have responsibility for the total coordinated budget of the Family Division.

10. Collections: The County Clerk for the Domestic Relations Section and the Administrator for the Juvenile Section will pursue the collection of court ordered obligations within their respective sections.

11. Organizational Chart: An organizational chart reflecting the structure described above is attached hereto. The chart should not be considered as complete at this time, but it is indicative of the most crucial components of the current organizational structure. The organizational chart does not reflect the appointment powers of the chief judge of the circuit court, but it is designed to illustrate lines of supervision and oversight.

B. Judicial Service and Case Assignments:

1. One Circuit Judge - Full Time in Domestic Relations Section: One circuit judge (currently Judge Michael Weipert) shall be assigned to the Family Division, Domestic Relations Section, on a full time basis and shall be assigned the following cases:

- All Domestic Relations Section cases [MCL 600.1021(1)(a),(g),(h), (j) and (k)] which are not otherwise assigned as set forth below; and
- All Personal Protection Order cases (MCL 600.2950) that have a companion case assigned to this judge.

2. Two Circuit Judges - Part Time in Domestic Relations Section: The remaining two circuit judges (currently Judge Joseph A. Costello, Jr. and Judge Michael W. LaBeau) shall be assigned to the Family Division, Domestic Relations Section, on a part time basis and each shall be assigned the following cases:

- Twenty five percent (25%) of all Personal Protection Order cases which are not assigned to the full time domestic relations judge as set forth in Section II(B)(1) above.
- Any case assigned prior to the implementation of this plan.
- Fifty percent (50%) of any cases assigned due to the disqualification of the other three judges per Section III (B).

3. Two Probate Judges - Part Time in Both Sections: The two probate court judges (currently Judge Pamela A. Moskwa and Judge John A. Hohman, Jr.) shall be assigned on a part time basis to the Family Division to serve in both the Juvenile Section and the Domestic Relations Section and each shall be assigned the following cases:

- Fifty percent (50%) of all the cases assigned to the Juvenile Section of the Family Division of the Circuit Court.
- Twenty five percent (25%) of all Personal Protection Order cases which are not assigned to the full time domestic relations judge as set forth in Section II(B)(1) above.
- Twenty percent (20%)* of all divorces with minor children (DM) filed before January 1, 2008, in which no judgment of divorce was entered as of August 1, 2008.
Twenty percent (20%)* of all new divorces with minor children (DM) filed on or after August 1, 2008.

*Counted toward this 20% shall be those divorce cases assigned to the probate judge because they involve parties who have a case pending in the Juvenile Section or probate court per Section II (B)(5).

- Any cases from the Domestic Relations Section (i.e. cases other than the divorces with children (DM) referred to above) that involve parties who have a case *pending* in the Juvenile Section or a case *pending* in the probate court involving the same parties or children (i.e such as a guardian of minor case) already assigned to that judge.

Probate judges serving in the family division of the circuit court pursuant to this plan have the same power and authority as circuit judges in a family division matter within that county, in addition to powers and authority of a judge of probate court. MCL 600.1021(3)

4. Emergency Coverage: Any judge serving in the Family Division is qualified to and may provide assistance and emergency coverage for any other judge in the Family Division.

5. Actions Involving Members of the Same Family: If one of two or more Family Division actions involving the same family members has

been assigned to a judge, the probate judges shall be assigned to the cases if at least one of the actions includes a *pending* Juvenile Section case or a *pending* minor guardianship case involving the same children.

The attorney for the party bringing the action or a party appearing *in pro persona* shall notify the clerk of the existence of a companion case, in writing, in the manner proscribed by MCR 2.113(C)(2). An attorney or a party who knowingly fails to do so is subject to sanctions and / or disciplinary action.

6. Assignment of Personal Protection Order and Companion Cases:

The Personal Protection Order (PPO) cases which are not companion cases to a case assigned to the full time Domestic Relations section judge, shall be assigned twenty five percent (25%) to each of the remaining four judges serving part time in the Family Division. If a family division case involving the same parties that are involved in the PPO case is pending, the PPO case shall be assigned to the same judge that is assigned to the pending family division case. PPO cases involving a respondent under the age of 17 years shall all be assigned to the two probate judges, on a 50-50 basis, and shall be counted toward the probate judges' twenty five percent (25%) of said PPO cases.

7. County Clerk: The County Clerk shall develop a blind draw case assignment system pertaining to PPO cases that ensures the above described distribution of PPO cases among the five (5) family division judges and assures the proper assignment of Domestic Relations Section cases as described herein. Similarly, the County Clerk shall develop a blind draw case assignment system that ensures the proper assignment of all Domestic Relations Section cases as described herein.

8. Juvenile Register: The juvenile section register shall develop a blind draw case assignment system that ensures the proper assignment of Juvenile Section cases as described herein.

Section III. Caseflow Management

- A. Assignment of Cases:** All judicial case assignments, except as otherwise stated herein, will be random, by lot, in accordance with MCR 8.111(B).
- B. Reassignment of Cases and Disqualification:** Reassignment of cases shall be in accordance with MCR 8.111(C) and (D). If a judge assigned to a Juvenile Section case is disqualified, another judge from the same section shall be selected, by lot, to that case. If that judge is also disqualified, a judge with authority to act in the Family Division shall be selected, by lot.

If a judge assigned to a Domestic Relations Section case is disqualified, a Juvenile Section judge shall be selected, by lot, to that case. If the Juvenile Section judges are also disqualified, then the case shall be assigned to any judge with authority to act in the Family Division, by lot. If all judges qualified to serve in the Family Division are disqualified from a case, then the case shall be assigned as directed by the State Court Administrative Office.

- C. **Criteria for Assignment of Cases Other than by Lot:** The circuit court judges and the probate court judges may be cross assigned as approved by the State Court Administrative Office following the disqualification of a judge and / or in the absence of the assigned judge.

Section IV. Records Management

- A. **Domestic Relations Section Filings:** These cases shall be filed at the Office of the Monroe County Clerk, second floor of the Monroe County Courthouse.
- B. **Juvenile Section Filings:** These cases shall be filed at the Family Division - Juvenile Section Records Office, third floor of the Monroe County Courthouse.
- C. **Designation of a "Central Access Point":** The Monroe County Courthouse has a restricted entrance located between the Monroe City Hall and the Courthouse. Volunteers and/or staff at the Information Desk located on the ground floor of the Courthouse and near the restricted entrance will provide information to the public and attorneys regarding access to the Courts and court-related activity. Information such as where to file documents, records access, and scheduling information will be available at the Information Desk.
- D. **Monroe County Youth Center (juvenile detention and treatment facility):** The Monroe County Probate Court is responsible for the operation of the Monroe County Youth Center (MCYC) located at 3600 S. Custer Road, Monroe, Michigan. The MCYC is managed by the Superintendent of the Youth Center who is under the supervision of the chief judge of probate court acting as presiding judge of the Juvenile Section of the Family Division of Circuit Court.
- E. **Facilities and Records Retention:** All Probate Judges, Circuit Court Judges, the Juvenile Referee, and the Monroe County Friend of the Court Referees, are located in the Monroe County Courthouse. The Probate Judges and the Juvenile Court Referee

also hold certain juvenile hearings at the Monroe County Youth Center. All Domestic Relations Section records are maintained at the courthouse by the Monroe County Clerk and all Juvenile Section records are maintained at the courthouse by the Juvenile Register.

Section V. Review Process

- A. Reviews – Annually at Minimum:** The Family Court Plan will be reviewed at a minimum on an annual basis on August 1, 2009, and each year thereafter and any other times that the chief circuit and chief probate judges, in consultation with the other family division judges, may designate.
- B. Revisions:** Any change in the Family Court Plan must occur at the time of the review and is subject to the agreement of the Chief Judge of the Circuit Court, and the Chief Judge of the Probate Court, after consultation with all of the judges of the Family Division. It is acknowledged that any changes must receive final approval of the State Court Administrative Office.
- C. Review Criteria:** The review process will include a comprehensive analysis of judicial resources, case management, relative caseloads of all Circuit Court and Probate Court Judges, and administrative concerns relative to the full range of court operations.

Section VI. Effective Date

This local Administrative Order revises and supersedes all prior Family Court plans for the operation of the Monroe County Circuit Court Family Division. This order shall take effect **June 1, 2009**, or upon the date this order is approved by the State Court Administrative Office, whichever occurs later.

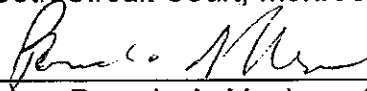
THEREFORE, IT IS ORDERED that this local Administrative Order is issued in accordance with 2002 Public Act 682, to adopt and implement the 2008 Revised Family Court Plan for the operation of the Family Division of the 38th Judicial Circuit Court, upon approval of the State Court Administrative Office.

Date: May 27, 2009



Hon. Joseph A. Costello, Jr., Chief Judge
38th Circuit Court, Monroe County

Date: May 27, 2009



Hon. Pamela A. Moskwa, Chief Judge
Monroe County Probate Court

**ORGANIZATIONAL CHART
FOR THE 2009 REVISED FAMILY COURT PLAN*
MONROE, MICHIGAN**

**Chief Judge of the
Circuit Court
Family Division**

Domestic Relations Section

Section Presiding Judge

Domestic Relations Judges

Friend of the Court

FoC Referees

Juvenile Section (see detail)*

Section Presiding Judge

Juvenile Section Judge

Administrator of Section

Juvenile Referee

**Superintendent of Youth
Center**

***Juvenile Section Detail**

Section Presiding Judge

Juvenile Section Judge

**Administrator of
Juvenile Section**

Referee

**Superintendent of
Youth Center**

**All Section finance
Court Budget**

**All Probation
Department**

**All Youth Center
Facility and Personnel**

**Program budgets
Grants management**

**Program Oversight
Legal Compliance**

**Program Oversight
for Youth Center**



"Region1 Info"
<region1-info@courts.mi.gov
>

06/24/2009 11:56 AM

To <Joe_Costello@monroemi.org>,
<micheal_james@monroemi.org>
cc "Region1 Info" <Region1-Info@courts.mi.gov>

bcc

Subject C38 2009-01J Approved

C38 2009-01J Approved
Family Court Plan
Rescinds C38 2008-02J

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Deborah Green
Region I Administrator
Michigan State Court Administrative Office
P.O. Box 02984
Detroit, MI 48202
313-972-3300

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Pam Moskwa/Probate
Court/MonroeCounty
07/20/2009 01:49 PM

To Linda Stotz/Probate Court/MonroeCounty@MonroeCounty
cc
bcc

Subject Fw: P58 2009-03J Approved

this should be copied and stapled to our hard copy. It should also be scanned onto group drive along with our signed hard copy. I have put the electronic copies on the group already.

----- Forwarded by Pam Moskwa/Probate Court/MonroeCounty on 07/20/2009 01:23 PM -----



"Region1 Info"
<region1-info@courts.mi.gov
>
06/24/2009 11:56 AM

To <brenda_smith@monroemi.org>,
<micheal_james@monroemi.org>,
<pam_moskwa@monroemi.org>
cc "Region1 Info" <Region1-Info@courts.mi.gov>

Subject P58 2009-03J Approved

P58 2009-03J Approved
Family Court Plan
Rescinds P58 2008-01J

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Deborah Green
Region I Administrator
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