

State of Michigan

Monroe Prob



State Court Administrative Office

P.O. BOX 30048 • LANSING, MICHIGAN 48909
(517) 373-0130

*Assignment of
Mental Health
Matters 158*

STATE COURT ADMINISTRATOR
JUDGE V. ROBERT PAYANT

May 31, 1988

1988-1

Hon. John H. Gillis, Chief Judge
Monroe County Probate Court
Courthouse
106 E. First Street
Monroe, MI 48161

Re: Administrative Order 1988-1

Dear Judge Gillis:

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

Yours very truly,

V. Robert Payant
State Court Administrator

VRP/js

cc: Hon. Joseph Costello, Jr., Herb Levitt



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LAG

1995-8340-ML-A
BRENDA L. SMITH, REGISTER OF PROBATE
05/31/1988 Ref # 238

Approved 05/31/1988

PS8

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APR 13 1988

HERBERT D. LEVITT
REGIONAL ADMINISTRATOR
REGION I

MONROE COUNTY PROBATE COURT

Administrative Order 1988-1

Pursuant to MCR 8.111 and MCR 8.112, Dorothy Marshall, or any other person as may be designated by the Chief Judge, shall assign mental health matters on an alternating basis. Once a judge has been assigned, all other such hearings which could be heard on that date will be assigned to the same judge. This Administrative Order hereby incorporates the memorandum of March 31, 1988, as issued by Judge Joseph A. Costello, Jr., Chief Judge Pro Tem of Monroe County Probate Court.

Approved by: State Court Administrative Office

BY:

DATED:

Joseph A. Costello, Jr.
Judge

Monroe County Probate Court

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APR 13 1988

HERBERT D. LEVITT
REGIONAL ADMINISTRATOR
REGION I



Mario Pace
Juvenile Court Director

Michael R. James
Chief Referee
(313) 243-7023

Janice LaFountain
Juvenile Register
(313) 243-7023

MEMO

TO: Mario Pace, Court Director

FROM: Judge Joseph A. Costello, Jr.

DATE: March 31, 1988

RE: Assignment of Mental Health petitions for hearing

Mental Health petitions which are scheduled for a "full hearing" have generally been heard at the Courthouse rather than at the hearing room at the Ypsilanti Regional Psychiatric Hospital. Due to the number of cases that are heard each year, it remains more economical and practical to conduct the hearings here. The impact of the "deferred hearing" procedure has been virtually non-existent, as the number of hearings conducted have not been reduced with the exception of a few cases. Since we are considered the only southeastern county that does not conduct the hearings at the hospital, the administrator has in the past requested that we attempt to schedule the hearings on Wednesdays at 1:30 p.m. Under the Mental Health Code, hearing these matters during the middle of the week permits us to conduct these matters within the time frame as stated by law. However, if we assign such matters on a blind draw, that is, every other individual case to Judge Seitz or myself, there are a number of problems that will arise.

First of all, the Monroe County Sheriff's Department usually employs two deputies to transport the respondent-patient to and from the hospital. Generally, the respondent-patient can be expected to be in attendance, as few of them ever waive their right to attend. The problem arises when more than one petition is to be heard on the same day. If only one doctor and one Community Mental Health representative is present to testify in each case, imagine the inconvenience and unnecessary problems if they are scheduled to testify on different matters, before different judges, at the same time. In addition, since some respondent-patients can be considered dangerous (harming themselves or others) the two deputies could conceivably be separated in order to individually watch these people while they are in different courtrooms. Lastly, Ann Nickel, an assistant prosecutor, is normally the person representing the petitioner, and she too would face the prospect of being required to be in two places at once. Under this scenario, more than one court-appointed attorney would be required at an expense of \$40.00 per hour to the county. If one attorney has to wait for the other necessary parties who are tied up in the other Court, the meter will be running, and our budget will be adversely affected.

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March 31, 1988

Therefore, you are directed to have Dorothy Marshall assign mental health matters on an alternative basis. Once a judge has been assigned, all other such hearings which could be heard on that date will be assigned to the same judge. There is no need to pull another assignment card, nor do they necessarily have to be stapled to the file. The cards are simply to assist us in initially selecting a judge. Any disparity in the number of petitions can be resolved on an annual basis. Since I have conducted mental health hearings at the Ypsilanti Regional Psychiatric Hospital, as well as in Oakland County's Probate Court, I am confident that this is an appropriate procedure. Prior to this official procedure, it was not uncommon for me to conduct as many as three hearings in an afternoon. We should be grateful as in Oakland County I presided over 18 such cases in one day. Based upon recent trends, we should expect to conduct about 50 hearings this year. Even if only one judge heard all such matters, this would result in an average of less than one hearing per week. Should you have any questions or comments, please feel free to contact me.

JAC/ckh

cc: Chief Judge John Gillis
Judge James McCauley Seitz