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**P58 2013-01J Family Court Plan - Approved**

1 message

Region1 Info &lt;region1-info@courts.mi.gov&gt;

Thu, Mar 21, 2013 at 3:13 PM

To: brenda\_smith@monroemi.org, john\_hohman@monroemi.org, micheal\_james@monroemi.org

Cc: Region1 Info &lt;Region1-Info@courts.mi.gov&gt;

P58 2013-01J Family Court Plan - Approved

Rescinds P58 2003-01J

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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**1995-8340-ML-A**  
BRENDA L. SMITH, REGISTER OF PROBATE  
09/03/2015 Ref # 227

**STATE OF MICHIGAN**  
**IN THE 38<sup>TH</sup> JUDICIAL CIRCUIT COURT FOR THE COUNTY OF MONROE**

**2013 REVISED FAMILY COURT PLAN**

**Joint Local Administrative Order: Monroe County Probate Court 2013 –  
38<sup>th</sup> Circuit Court 2013 –**

This administrative order implements the 2013 Revised Family Court Plan of the 38<sup>th</sup> Judicial Circuit Court of Monroe County, Michigan, as outlined below.

This 2013 Revised Family Court Plan and this implementing local administrative order rescind, supersede and replace all prior Family Court Plans and any local administrative orders implementing those plans as required by Public Act 682 of 2002 and Michigan Supreme Court Administrative Order 2003-2.

This Revised Family Court Plan outlines the operation of the Family Division of the 38<sup>th</sup> 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 2013 Revised Family Court Plan shall take effect on March 1, 2013.

**Section I. Introduction to 2013 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 service the interests of the families and children whose cases are assigned to that judge. MCL 600.1011(3)



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**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 the 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 38<sup>th</sup> Circuit Court shall be divided into two sections as follows:

**a. The Domestic Relations Section** consists of all of the following: 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 through n) and “Family Division Miscellaneous Proceedings” specifically MCR 8.117(A)(9), e, f and h)

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 relations, 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.

**b. The Juvenile Section of the Family Division** consists of all of the following: 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 through f) 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,b,c,d and g); and "Family Division – Ancillary Proceedings" specifically MCR 8.117 (A)(10).

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 Director 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.

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 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 Presiding Judge of the Juvenile Section 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.

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 II. 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 in the Family Division 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 Family Division of 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 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 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 Daniel S. White) 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 Michael A. Weipert 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., below.

**3. Two Probate Judges – Part Time in Both Sections:** The two probate court judges (currently Judge Frank L. Arnold 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 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, below.

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 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, adult guardianship or adult conservatorship case involving the same children or adult.

**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 be assigned to the two probate judges and be counted in their 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 and distribution 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 and distribution 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 and distribution 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 Disqualifications:** 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, or the case is otherwise reassigned, the other judge from the same section shall be assigned to that case. If that judge is also disqualified, or is otherwise not reassigned to the case, a judge with authority to act in the Family Division shall be selected by lot. The lot of the judge disqualified or otherwise removed from the case shall be returned to the pool of lots.

If a judge assigned to a Domestic Relations Section case is disqualified, or the case is otherwise reassigned, one of the other two judges assigned to preside over DM cases per this plan shall be selected, by lot, to that case. The lot of the judge disqualified or removed from the case shall be returned to the pool of lots. The intention is to preserve a 60-20-20 distribution of DM cases as set forth in this plan. If both of those two judges are also disqualified or removed from the case, then the case shall be assigned to one of the two circuit judges serving in the Civil / Criminal 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 Juvenile Section of the 38<sup>th</sup> Circuit 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 Director 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.

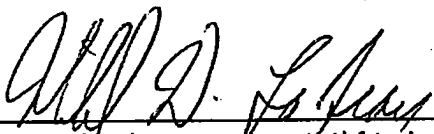
**E. Facilities and Records Retention:** All Probate Judges, Circuit Court Judges, the Juvenile Referee, and the Monroe County Friend of the Court Referees are located in the Monroe County Courthouse. The Juvenile Section Judges and the Juvenile Court Referee also hold certain juvenile hearings at the Monroe County Youth Center. All Domestic Relations Section records are maintained at the courthouse by the Monroe County Clerk and all Juvenile Section records, with the exception of adoption records, are maintained at the courthouse by the Juvenile Register. All adoption records are maintained at the courthouse with the Court's adoption supervisor.

**Section V. Effective Date**

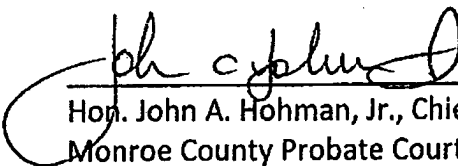
This local Administrative Order revises and supersedes all prior Family Court Plans for the operation of the Monroe County Circuit Court Family Division. This order shall take effect on March 1, 2013, or upon the date this order is approved by the State Court Administrative Office, whichever occurs later.

**THEREFORE, IT IS ORDERED** that this local Administrative Order is issued in accordance with 2002 Public Act 682, to adopt and implement the 2013 Revised Family Court Plan for the operation of the Family Division of the 38<sup>th</sup> Judicial Circuit Court, upon approval of the State Court Administrative Office.

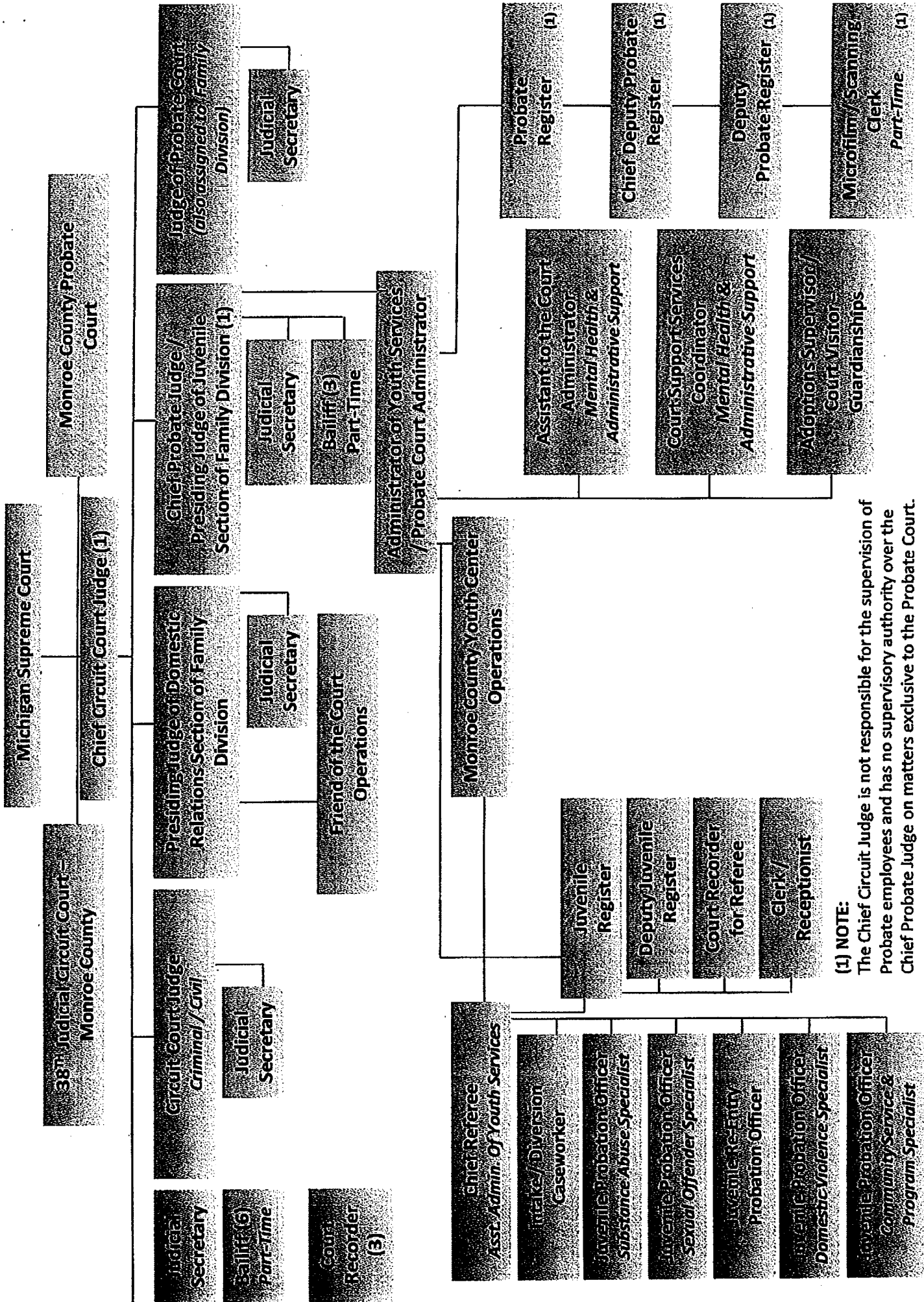
Dated: February 21, 2013

  
\_\_\_\_\_  
Hon. Michael W. LaBeau, Chief Judge  
38<sup>th</sup> Circuit Court, Monroe County

Dated: February 21, 2013

  
\_\_\_\_\_  
Hon. John A. Hohman, Jr., Chief Judge  
Monroe County Probate Court

# 38th Judicial Circuit Court & Probate Court Organizational Chart



(1) NOTE:  
The Chief Circuit Judge is not responsible for the supervision of Probate employees and has no supervisory authority over the Chief Probate Judge on matters exclusive to the Probate Court.