

45TH JUDICIAL CIRCUIT
St. Joseph County
FAMILY COURT PLAN
JOINT OPERATING AGREEMENT

FILED

AUG 17 2005

PATTIE S. BENDER
ST. JOSEPH COUNTY CLERK

I. INTRODUCTION.

This plan for the operation of the Family Division of the 45th Circuit Court supercedes all other plans for operation of the Family Division of Circuit Court as required by Public Act 682 of 2002 and Supreme Court Administrative Order 2003-2 and originally provided for in Public Act 388 of 1996.

This plan has been designed to ensure and maximize the efficient operation of the Family Division of the Circuit Court, while addressing the legislative intent of streamlining family matters for the benefit of all users of the court system and maintaining the mission of the Michigan judicial system to provide fair, effective and responsive forums for the resolution of civil and criminal matters.

Three guiding principles govern the overall philosophy of this plan: Continuity, Specialization, and Efficiency. "Continuity" refers to the goal of one judge serving all of a particular family's needs whenever possible. "Specialization" means utilizing judges who have experience and specialized expertise in family law matters. "Efficiency" relates to effective docket management, recognizing that speedy resolution of family problems can be as important as judicial expertise or continuity with the same judge. How these three principles will be applied for any given case must be flexible; some cases will call for maximum weight on the "Continuity" factor, while others may need to emphasize "Specialization" or "Efficiency".

In St. Joseph County judicial services are rendered at one central location, the County Courts Building. A separate but connected building houses the County Clerk's Office - General Division. The county is served by 4 judges: 1 Circuit Judge, 1 Probate Judge, and 2 District Judges. One of the District Judges has been assigned to assist with the Circuit Court docket and he has handled nearly all of the domestic relations cases since 1992 dividing his time 40% to District and 60% to Circuit Court. Our Probate Judge historically has required 25% of his time on Probate matters and 75% on Juvenile/Neglect/Personal Protection Orders herein referred to as "Protective Proceedings" cases. The Circuit Court has an attorney Friend of the Court Referee, and the Juvenile Court has 2 experienced non-attorney Juvenile Court Referees who are grandfathered as specified in the Juvenile Code.

When this agreement uses the terms "Family Court" or "Family Division," they are intended to refer to the Family Division of the Circuit Court of St. Joseph County established by P.A. 388 of 1996.

When this agreement uses the terms "plan of operation" or "joint operating agreement" they are intended to both refer to the plan for operation of the Family Division of the Circuit Court of St. Joseph County.

II. PLAN REQUIREMENTS

A. ADMINISTRATION

1. The Chief Judge of the Circuit Court is selected as provided by MCR8.110 and will have the duties and powers outlined in MCR 8.110(C) as well as the supervisory authority over the administration of the Family Division.
2. A Chief Judge Pro Tempore shall be appointed by the Chief Judge unless selected by the Supreme Court and serve under MCR 8.110(B)(2) and (3) and exercise the duties and responsibilities of the Chief Judge in his/her absence.
3. The Chief Judge of the Circuit Court shall appoint a Presiding Judge for each of the two divisions: ("Domestic Relations" and "Juvenile and Protective") of the Family Division, after consultation with all four judges (Circuit, Probate and District) serving this county.
4. The Presiding Judge of each division ("Domestic Relations" and the "Juvenile and Protective") will be responsible for the administration of that division including its employees, records and management of the dockets.
5. Staff.
 - a. The Friend of the Court Office and the former Juvenile Court are members of the Family Court Division of the Circuit Court who shall be supervised by the Friend of the Court and a Juvenile Director, respectfully, and reportable to the presiding Judge of the division they are assigned to.
 - b. The County Clerk's Office - Court Division is staffed by 3 persons currently on the staff of the County Clerk
 1. The job description currently in place titled "Deputy Circuit Court Clerk" will continue to apply to 2 of the 3 persons located in the County Clerk's Office - Court Division with the job description for the third person titled "Chief Deputy County Clerk."
 2. Family Court cases will be opened, located and papers processed, entered into the computer and filed in the County Clerk's Office - Court Division for the Domestic Relations and Juvenile and Protective Division.

In the Juvenile and Protective Division, the cases will continue to be managed (preparing papers, notices, orders, etc.) by the staff located in the former Juvenile Court Division and the Domestic

) Relations Division cases will be managed as they were when they were Circuit Court cases. Personal Protective Orders and other protective proceedings shall be managed by the presiding Probate Court judge and his/her registers.

c. Any additional staffing needs shall be addressed by the Family Court Council if it becomes evident during the operation of the Family Court Division.

d. Collective Bargaining.

It is recognized that the people involved in the Family Division are from different certified bargaining units within AFSCME. Each unit has different contracts and each contract has different provisions.

6. Family Court Council

a. During the term of this agreement, a Family Court Council shall consist of the County's four Judges, Friend of the Court, Juvenile Division Administrator and County Clerk.

b. The Family Court Council shall meet at least quarterly or as called by the Chief Circuit Court Judge or Judge Pro Tempore or any two members with the notice being specific as to the agenda and with at least 48 hours notice.

c. The Family Court Council may:

1. Review budgets to carry out the functions of the Family Court, share their content and give advice to the Chief Circuit Court Judge for submission to the County government.
2. Coordinate personnel policies and procedures for the Court and its related personnel.
3. Review caseload and jurisdictional assignments.
4. Coordinate all staff to obtain the greatest efficiency of Court resources.
5. Review collective bargaining problems that may arise.
6. Establish needed local Court rules.
7. Continue to review full implementation of the Family Court concept including facilities, staffing, equipment, and other needed actions for implementation.

d. The goal of the Family Court Council shall be to reach a consensus of the Council members. If no consensus can be reached after all Council members have had the opportunity to be heard, the matter shall be tabled. If the issue has to do with a change in this joint operating agreement or a factor critical to the continued efficient operation of the Family Division then Section II, A, 7 shall apply.

7. Amend. It of the Joint Operating Agreement

- a. This joint operating agreement shall remain in effect as long as there is a Family Division of the Circuit Court. It is designed to expand and change as needed to allow flexibility to meet the objective of a better Court system to meet the needs of families of St. Joseph County.
- b. This joint operating agreement may be amended by an agreement of the Chief Circuit Court Judge and the Chief Probate Judge. Any amendment shall become effective when signed by both Judges. The two Chief Judges shall meet as needed to review the joint operating agreement; with all other County Judges invited to any meeting to give their advice on the needed changes.

8. Organizational Charts

- a. This agreement contains three charts marked as exhibits A, B and C:
 1. Exhibit A depicts the organizational chart of the Family Division of Circuit Court.
 2. The service chart Exhibit B includes more parties and depicts the supervision for direct services and staff relationships for those services within the Family Court.
 3. The jurisdictional chart Exhibit C depicts the concepts of sharing caseloads, not only by the Family Division of the Circuit Court and its divisions, but the entire trial court system.
- b. The 3 charts are intended to differentiate between the various responsibilities within the Court system to attempt to maximize efficient service to the people of St. Joseph County. The charts may be changed from time to time as part of the joint operating agreement.

9. Budgets of the Family Division.

- a. Currently each department or Court that will operate as part of the Family Division of the Circuit Court has independently submitted its budget to the County during the budgeting process. Before and during the budgeting process the Family Court Council shall share information on all budgets that affect the operation of the Family Court.
- b. The costs associated with the operation of the Family Court and its divisions must continue to be reviewed and determined during the yearly budgeting process. Some resources may need to be added to budgets to meet the needs of the Divisions of the Family Court.

B. JUDICIAL SERVICES AND CASE ASSIGNMENT

1. All Circuit, District and Probate Judges sitting in St. Joseph County Courts shall serve in the Family Division of the Circuit Court in St. Joseph County.

Two judges will primarily serve the Family Division as presiding judges, one for the Domestic Relations Division and one for the Juvenile and Protective Division. Maximum flexibility will also be created by all 4 judges serving any docket so any Family Court cases can be assigned to any of the 4 judges to promote the goals of Continuity, Specialization, and Efficiency.

It is anticipated that one District Judge utilizing 60% of his time will be the presiding judge and manage the Domestic Relations Division docket, while the Probate Judge is the presiding judge of the Juvenile and Protective Division with 75% of his time, retaining all the Probate matters as the balance of his workload. The other District Judge and Circuit Judge shall then serve as needed to efficiently process all Family Court cases.

This will result in judges who have been "specialists" in various types of family matters to continue handling cases in which they have expertise and for which they hold enthusiasm.

2. Judicial Needs

- a. A single judge could not manage the caseload of the Family Court without serious delays and other problems attributable to high volume. The equivalent of more than two full time judges is required to handle the Family Court. Therefore, two judges will serve primarily, but not exclusively in the Family Division with caseload sharing as Exhibit C demonstrates.

- b. All 4 Judges will be "full time", in that they will serve the Family Court for their entire current term of office and as needed to operate the Family Division and this Plan efficiently.

3. Referees. The Juvenile Court Referees will continue to act in Family Court in the Juvenile Division and other cases as assigned by the Judges. The Friend of the Court Referee will continue to act as Referee in the Domestic Relations Branch of the Family Court.

4. District Judges and the Probate Judge serving in the Family Division of the Circuit Court pursuant to this Plan have the same power and authority as the Circuit Judge in Family Division matters in addition to their powers as elected judges of St. Joseph County in their court or as delegated in any concurrent court plan for St. Joseph County.

C. CASEFLOW MANAGEMENT

1. Method of Assignment of Cases.

The three guiding principles governing case assignments are identical to the three overall goals of this Implementation Plan: "Continuity" (one family/one judge), "Specialization" (judges handle matters in which they have expertise), and "Efficiency" (minimize delays and efficiently manage resources).

Since each division of the Family Court will have one presiding judge, the initial assignment of new cases will be straightforward. New cases will be assigned to the one judge of the Domestic Relations Division if the case involves divorce or ancillary matters, child custody, parenting time, child support, or paternity. Divorces without children may be delegated by the Domestic Relations Division presiding judge to another judge for assignment. Assignment will be to the one judge of the Juvenile and Protective Division if the case involves juvenile offenses, abuse and neglect, status offenders, name changes, adoption, parental consent waivers, personal protection orders, or guardianship/conservatorship (ancillary).

In cases where judges or court staffs become aware that any of the 4 judges is actively involved with a particular family the judges involved in the multiple cases will decide the consolidation/assignment issues---again using the three criteria of Continuity, Specialization and Efficiency. This will be accomplished at a Conference Committee which shall meet at regular intervals as to assignment issues and on specific cases as needed. The Conference Committee is composed of the presiding judges of the 2 divisions and their designees.

2. Local Administrative Order pursuant to MCR 8.112 shall be adopted because the assignment system is not random to include the following specific assignment guidelines:

The County Clerk or her deputies will assign cases in the Family Division of Circuit Court according to the following criteria to conform to the Family Court Plan under "caseflow management."

- a. When a Juvenile and Protective Division case is filed, the case will initially be assigned to the presiding judge of that division unless there is an active Domestic Relations Division case involving the same family, and then it shall be assigned by the County Clerk unless the presiding judge determines otherwise. If a subsequent Domestic Relations Division case is filed involving the family of the Juvenile and Protective division case and the case is still active, the Domestic Relations Division case will also be assigned to the Juvenile and Protective Division's presiding judge.
- b. When a Domestic Relations Division case is filed the case will initially be assigned to its presiding judge or delegated to another judge (such as all

forces without children). If there is an active Juvenile and Protective Division case involving the same family members, then it shall be assigned to the presiding judge of the Juvenile and Protective Division. If a subsequent Juvenile and Protective division case is filed involving the children of the parties while the Domestic Relations Division case is still active, that Juvenile and Protective Case will be assigned to the presiding judge of the Domestic Relations Division.

- c. When a Domestic Relations Division case is inactive and then a Juvenile and Protective Division matter is filed, the matter will be assigned to the presiding judge of the Juvenile and Protective Division. Likewise, when a Juvenile and Protective Division case is inactive and then a Domestic Relations Division matter is filed, the matter will be assigned to the presiding judge of the Domestic Relations Division.
 - d. When it appears that a reassignment may be necessary for good cause considering the criteria in Administrative Order 2003-01, the Conference Committee shall meet to review the criteria and fill out a petition and order for reassignment to be reviewed by both the presiding judges of the Domestic Relations and the Juvenile and Protective Divisions before being presented to the Chief Judge.
3. For information management and scheduling an integrated computer program was developed to check and clear dockets for all Judges in the County. Attorney events will be able to be called up on the computer by P# and allow the user to visualize an attorney's schedule for a particular day as well as how it fits with all Courts and all Judges' calendars.
 4. A consolidated docketing and scheduling program to coordinate Family Court cases with the Clerk and all Judges and staff shall be developed.

D. FACILITIES AND RECORDS MANAGEMENT

1. Confidentiality.
 - a. A uniform policy as to public and staff access to confidential files of the Family Court and the content of such files will be established considering all existing statutes and court rules affecting such files. The standards for confidentiality shall include the internal management and storage of confidential information.
 - b. Public and confidential filings will be identified with the same case name and number. The public files in the Family Court will be filed with all other Circuit Court cases in sequential order. Juvenile and Protective Division cases that have confidential filings will be located apart and separate from the public file but will be easily retrieved by staff without delay.

- c.ption and parental consent confidential files shall remain locked in the Probate Court with access restricted by a policy established between the County Clerk and the Probate Judge.

2. County Clerk's Office - Court Division.

- a. The location of the files and where pleadings and papers shall be filed is the County Clerk's Office - Court Division that will be physically located in the offices directly north of the Circuit Court Offices.
- b. The County Clerk's Office - Court Division shall be designated as the central access point for the Family Court, and shall provide the public and the bar information regarding the Family Court and related activities of the Family Court which shall include providing information on where to file documents, how records are stored and how records may be accessed.
- c. The method of case number assignment of Family Court files is the responsibility of the County Clerk's Office.
- d. The County Clerk's Office staff will collect fees for filing documents.
- e. The County Clerk's Office will collect all court costs, restitution, attorney fees and such other fees as ordered for the entire Family Court, (not including child support and alimony which shall be retained as the exclusive jurisdiction of the Friend of the Court, as provided by statute).

4. Filing System.

- a. The Family Court will have a filing system similar to what is currently in place in the County Clerk's Office for Circuit Court cases with accommodations (updates) to be made to the computer system to incorporate needed information, i.e., children's names into each case.
- b. There is a master indexing system in the integrated computer program so ANY case can be found on the computer by any court or judge according to name and that would include children's and step-parent's names.

5. Definition of terms.

- a. Case. Any cause of action that falls within the jurisdiction of the Family Court of the Circuit Court over which the Court has or continues supervisory responsibility.
- b. Domestic Relations Division Cases are: Divorce, Paternity, Child Custody, Parenting Time and Child Support Cases.

- c. Jvenile and Protective Division Case re: All Personal Protective Orders (PP and PH and PJ); Delinquent (DL); Traffic and Ordinance (TO); Neglect/Abuse (NA); Adoption (AB), (AC), (AD), (AF), (AG), (AM), (AN), (AO), (AY); Emancipation (EM); Parental Waiver (PW); Safe Delivery of Newborn (NB); and Name Change (NC).
- d. Active Case: A case in which there are any issues currently before any judge for consideration. A neglect/abuse case is active until it is dismissed as to temporary court wards and when the child is adopted as to permanent court wards. A delinquency case is active until it has an adjudication and disposition/judgment.
- e. Inactive Case: A case that has a disposition judgment and there are no issues currently before any judge for consideration regardless of whether support or fees are being collected. When an order has entered on a PPO case and no hearing or sentencing is pending, the case is inactive.
- f. Family: A family shall be considered the biological parents and biological children and also step-parents and step-children. Grandparents and other more distant biological relatives shall not be considered. Court-appointed fiduciaries shall be considered such as guardians and conservators.

E. TRAINING OF STAFF

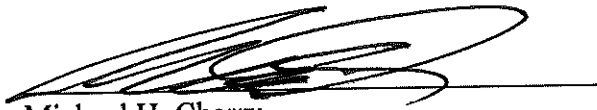
1. All Family Court staff are provided training to understand the jurisdiction and operations of the Family Court and their place within this judicial system.
2. Training of Family Court staff is from both within the court's own staff and by the Michigan Judicial Institute and other national, state, regional, and local organizations.
3. Cross-training shall be provided to administrators and management personnel to be beneficial to the economical and efficient operation of the Family Court.
4. Family Court Judges shall attend available and necessary continuing education and training to familiarize themselves with the Family Court jurisdiction and operation.

F. SERVICES

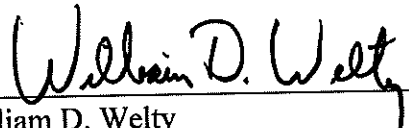
1. The mission of this agreement is for the Family Court to be "user friendly" to all citizens and to provide a fair and effective means to resolve civil, criminal and family disputes. To that end, the Family Court of St. Joseph County recognizes that to accomplish its mission, this Plan must recognize and address the fact that services to youth and families are essential in order to provide healthier and stronger individual and family relationships.

2. All Family Court judges, referees, clerical and supportive staff within the Family Court shall work together to continually integrate and improve existing services to families and to develop, coordinate, maintain and monitor services to youth and families during the life of this agreement.
3. Sec. 1043(d) of P.A. 388 of 1996 provides that all other state and public agencies shall provide assistance to the Family Division of the Circuit Court. The Family Court Council shall identify and develop effective methods for both the public and private sectors to assist the Family Court in carrying out and delivering services to youth and their families.

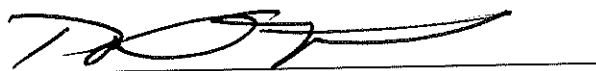
The undersigned affirm that the information contained in this amended plan represents the full agreement of all parties involved in developing the plan.


 Michael H. Cherry
 Chief Circuit Judge

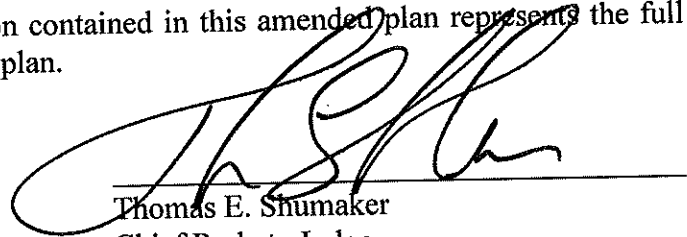
Dated: _____


 William D. Welty
 Chief District Judge, Circuit Court Judge

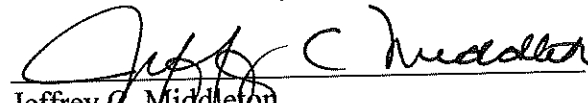
Dated: Aug. 16, 2005


 Paul E. Stutesman
 Circuit Court Judge


Dated: 8/17/05


 Thomas E. Shumaker
 Chief Probate Judge

Dated: 8/15/05


 Jeffrey C. Middleton
 District Judge

Dated: 8/16/05


 Pattie S. Bender
 County Clerk

Dated: 8/17/05

EXHIBIT A

**CIRCUIT COURT: FAMILY DIVISION
ORGANIZATIONAL CHART**

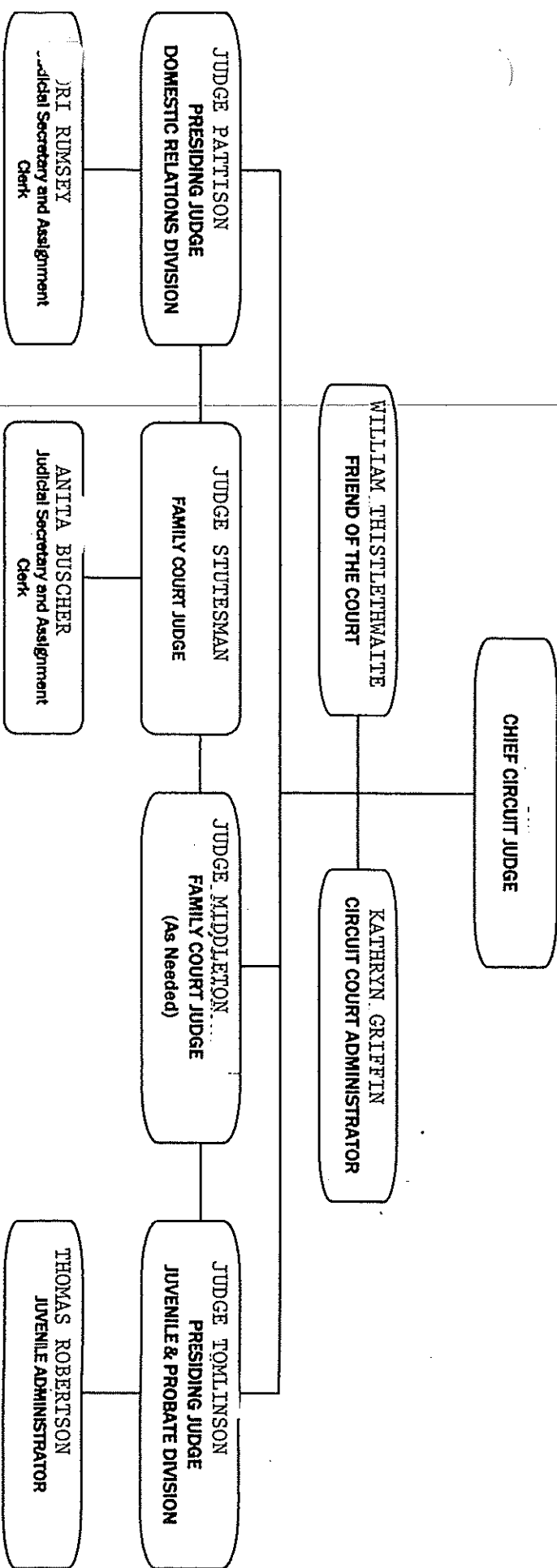


EXHIBIT B

**CIRCUIT COURT: FAMILY DIVISION
SERVICE PROVIDERS**

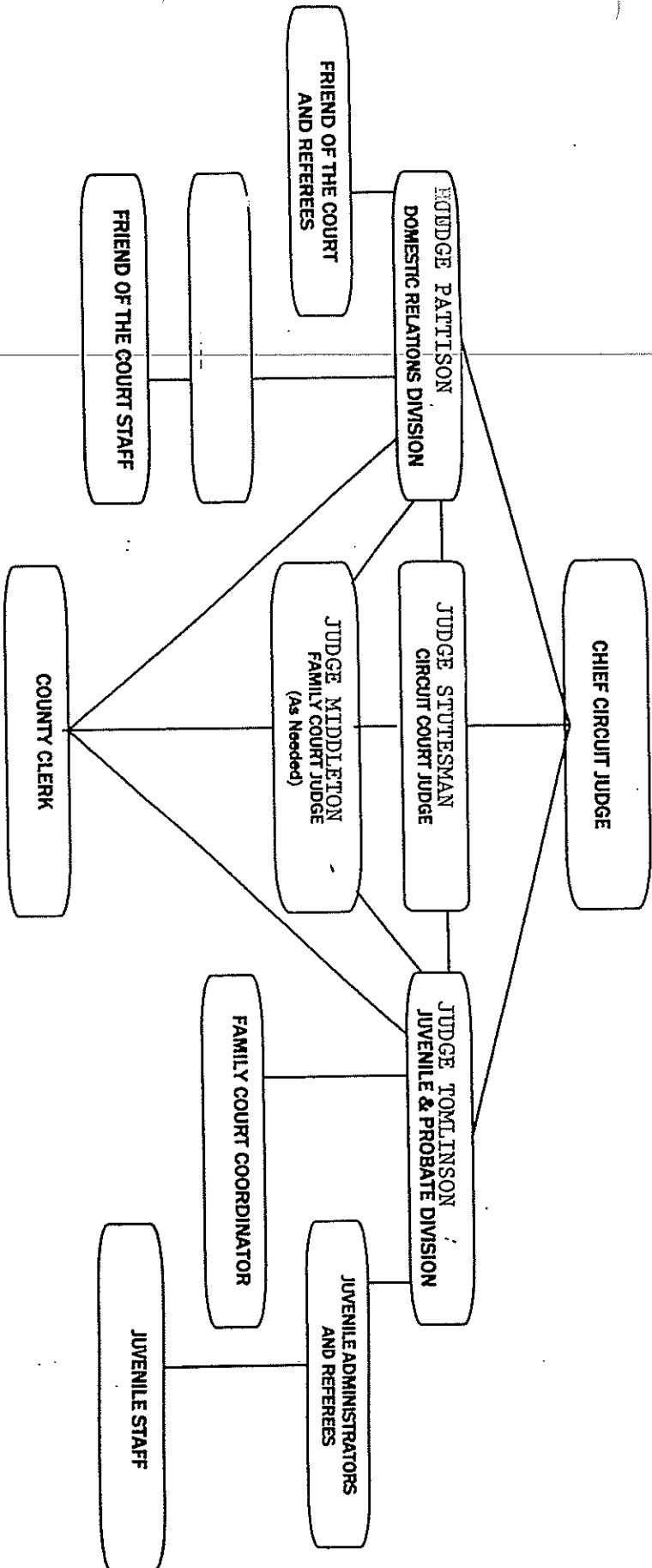


EXHIBIT C

ST. JOSEPH COUNTY TRIAL COURTS
CASELOAD ASSIGNMENT CHART

<p>JUDGE MIDDLETON District & Circuit Court See below</p>	<p>JUDGE STUTESMAN, Circuit Court See below</p>	<p>JUDGE TOMLINSON Probate & Circuit Court See below</p>	<p>JUDGE PATTISON District & Circuit Court See below</p>
<p>District Court Jurisdiction</p>	<p>Circuit Court Civil and Criminal Jurisdiction</p>	<p>Probate Jurisdiction</p>	<p>District Court Jurisdiction</p>
<p>Family: as needed</p>	<p>Family: divorces without minor children and as needed</p>	<p>Family: Juvenile & Protective Division, including:</p>	<p>Family: Domestic Relations Division, including:</p>
	<p>PPO (with open divorce without children)</p>	<p>Juvenile offense and status Abuse and Neglect Name changes Emancipation Adoptions Parental consent PPOs (no open divorce) Guardianships (concurrent) Conservatorships (concurrent) Other as needed</p>	<p>Divorce with children Child custody Child support Parenting Time Paternity PPO (with open divorce) Other as needed</p>