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James M. Biernat Jr., Chief Judge
16th Judicial Circuit Court,
Macomb County Probate Court,
42nd District Courts

News



For Immediate Release

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Implementation of Administrative Order 2020-2

The 16th Judicial Circuit, Macomb County Probate, and 42nd Judicial District Courts are operating in accordance with the Michigan Supreme Court's Administrative Order 2020-2. It provides that access to courtrooms and other spaces is now limited to no more than 10 persons, including staff, effective immediately. The Courts are closed to the general public except for essential functions involving health and safety and Constitutional rights. Additionally, dockets will be reassigned to designated judges in order to efficiently handle these matters.

Chief Judge James M. Biernat, Jr., stated:

The Circuit Court takes the current State of Emergency very seriously, and the health of the public and the staff is of the utmost importance. We have taken proactive steps to limit foot traffic in our courthouse, even in advance of the Supreme Court's first Administrative Order on Sunday. The Supreme Court issued Administrative Order 2020-2 last night outlining essential trial court operations, which is mostly consistent with the steps we have already taken. We have continued to revisit our processes on a daily, even hourly basis, to respond to the evolving situation. In light of the notification that an attorney who appeared in Court on Monday later tested positive for COVID-19, we have been in contact with the County Emergency Operations Department, the County Health Department, and the State Court Administrative Office. The County is in the process of cleaning and disinfecting affected areas, and several employees who may have had contact with the attorney have been notified and directed to self-quarantine for the next 14 days. The Court is currently conducting only the minimum necessary operations, and limiting public access to address this health crisis.

To the extent that Supreme Court Administrative Order 2020-2 provides discretion, we have exercised this discretion and are limiting matters to the extent legally possible within the confines of this order:

CIRCUIT COURT

With respect to criminal matters, to the extent legally possible, all hearings still required to be conducted (for in-custody defendants, pleas, sentencing, arraignments, probation violation arraignments, and emergency motions re bond; and for all defendants, processing of criminal extradition matters) will be conducted remotely using telephone and video conferencing technology. Attorneys will be contacted. All other criminal matters are adjourned.

All civil and business court matters except for infectious disease proceedings and limited PPO matters are adjourned. Limited additional emergency matters may still be heard remotely only.

Domestic proceedings as outlined in the Supreme Court's Administrative Order (ex parte relief for the safety and well-being of litigant and children, safe delivery of newborn, and waiver of parental consent) will continue. All other domestic proceedings are adjourned.

Juvenile delinquency and child protective proceedings as outlined in the Supreme Court's Administrative Order will continue.

For Friend of the Court, arraignments on bench warrants will continue, along with emergency matters only. All other matters are adjourned.

PROBATE COURT

Only those matters identified in the Supreme Court's Administrative Order will continue to be heard (involuntary mental health treatment, petitions for immediate funeral/burial arrangements, emergency petitions from Adult Protective Services, emergency petitions for guardianship, emergency petitions for conservatorships and protective orders with immediate pending evictions/foreclosures/shut off notices, estates where immediate access to the residence is necessary, ex parte requests for temporary restraining orders, and other emergency motions). All of these proceedings will be conducted remotely to the extent legally possible. All other Probate matters are adjourned.

DISTRICT COURT

With respect to criminal matters, to the extent legally possible, all hearings still required to be conducted (for in-custody defendants, pleas, sentencings, arraignments, bond motions, probable cause conferences, and preliminary examinations; and for all defendants, processing of criminal extradition matters) will be conducted remotely using telephone and video conferencing technology. Review and determination of warrant requests will continue. All other criminal matters are adjourned.

All civil matters are adjourned. Limited additional emergency matters may still be heard remotely only.

All traffic matters are adjourned. No warrants will be issued during the State of Emergency.

Other emergency motions may be considered in the discretion of the Court.

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