STATE OF MICHIGAN

IN THE 16th JUDICIAL CIRCUIT COURT FOR THE COUNTY OF MACOMB
IN THE PROBATE COURT FOR THE COUNTY OF MACOMB

In Re: Family Division Establishment
_____/

16th Judicial Circuit Court Local Administrative Order 2025-06J
Probate Court Local Administrative Order 2025-02J

Rescinds 16th Judicial Circuit Court Local Administrative Order 2022-02J
Rescinds Probate Court Local Administrative Order 2022-01J

I. INTRODUCTION

A. Authority.

Pursuant to MCL 600.1011, as amended by 2002 PA 682, each judicial circuit is required to establish a Family Court Plan (hereinafter referred to as "the Plan".) Supreme Court Administrative Order 2003-02 requires the Plan to be submitted for approval to the State Court Administrative Office (SCAO) for filing in accordance with the statute and guidelines provided by the SCAO. The Chief Circuit Judge and the Chief Probate Judge shall enter into an agreement establishing how the Family Division will be operated in the Circuit Court and how the services will be coordinated. The Chief Judge of the Circuit Court has the authority to determine the duration of a judge's service pursuant to the Plan in furtherance of this goal. This Court has a multi-judge Family Division and the Chief Judge has selected a Presiding Judge to service in that capacity. See Appendix A for further detail.

B. Goals.

The 16th Judicial Circuit Court and Macomb County Probate Court seek to assign cases in accordance with subject matter expertise, equitable distribution of workload, and efficient court operations while ensuring that one family is assigned one judge pursuant to MCL 600.1023.

C. Operation.

The Plan supersedes prior plans that have been approved for the operation of the Family Division. This Plan will be reviewed and revised as necessary including when Family Division judicial assignments change, and at least every two years, by the Chief Circuit Court Judge and Chief Probate Court Judges to ensure that the Plan meets the statutory requirements and complies with the Family Court Plan Requirements and Guidelines provided by the SCAO. The Plan shall be reviewed

immediately upon a new judicial appointment or election to assess areas of practice preference, expertise, and current caseload.

II. ADMINISTRATION

A. JUDICIAL RESOURCES/SERVICE

1. Family Division Judges. All judges assigned to the Family Division have expressed an interest in overseeing family law cases through the end of their term. There are four judges assigned to the Family Division:
    a. Judge Matthew Switalski – term expires January 1, 2031 - began assignment in 2013.
    b. Judge Tracey Yokich – term expires January 1, 2031 - began assignment in 2003.
    c. Judge Rachel Rancilio – term expires January 1, 2031 - began assignment in 2017.
    d. Judge Terri Dennings – term expires January 1, 2031 - began assignment in 2021.

2. Judicial Expertise. Each judge listed above may attend New Judge Orientation as well as continued training consistent with MCJE rules and is encouraged to attend training that informs the position and current skillset. Training opportunities are provided by the Michigan Judicial Institute (MJI), under MCL 600.1019. Judges are provided funds to attend trainings that align with their docket or interests. Court staff are provided with training opportunities offered by the family division associations, MJI, and local and state entities. Court staff are involved in relevant statewide associations and are active participants in trainings, meetings, and workgroups.

3. Judicial Service. All judges in the Plan will serve full-time in the Family Division, under MCL 600.1011(3), where sufficient caseload and judicial resources exists.

B. ASSIGNMENT OF CASES

Cases involving member of the same family (aka "one family-one judge") is defined as "When two or more matters within the same jurisdiction of the Family Division of Circuit Court involving members of the same family are pending in the same judicial circuit, those matters, whenever practicable, shall be assigned to the judge to whom the first case was assigned." {MCL 600.1023} The term "whenever practicable" is not defined in statute, but generally means to the greatest extent possible to further the goals of the Family Court Plan described in section I(B).

1. Case Assignment. Cases are assigned randomly, as provided for under MCR 8.111 or as otherwise provided in accordance with 8.112(B), except for those

cases identified to be those of a family member within the jurisdiction of the Family Court.

a. The Chief Judge may determine a singular judge who will handle all cases involving Support (Child or Spousal): Failing to Pay – Felony due to efficiencies in processing.

2. Definitions.

For purposes of this Plan, the term "family" means: individuals who are related as husband or wife, parent, step-parent, guardian, child or sibling. An action may still be deemed to involve a "family" even when an unrelated individual is involved as a complainant or a party.

For purposes of this Plan, the term "family member" means: family related by law or biology to one parent or same parents.

For purposes of this Plan, the term "pending" means: the case is prejudgment or actively being litigated with a judge. The lookback period for case assignment is limited to 5 years.

3. One Family-One Judge.
   a. Juvenile Cases
      i. Prior Action – When a search for a prior action discloses an existing case, the new filing will be assigned to the same judge. If the search for a prior action discloses more than one prior judge assignment, the case will be assigned to the judge with the oldest case. An open juvenile NA case involving one or more of the same children who are subject(s) of an adoption filing takes precedence over any other prior action. The search for a prior action includes the records of domestic relation cases and juvenile cases. This section shall not apply to an adult who becomes a party to a domestic relations matter who was involved as a minor in his/her own, parents' or guardians' Family Division case.

      ii. Codefendants

         1. Where only one codefendant has a judge previously assigned, all codefendant cases will be assigned to that judge.
         2. Where two or more codefendants have judges previously assigned, all codefendant cases will be assigned to the judge with the oldest case which has had activity in the past two years. If no case has had activity in the past two years, subsection (c) applies.

3. Where no codefendants have a judge previously assigned, there will be one blind draw, and all codefendant cases will be assigned to that judge.

b. Domestic Cases
   i. Prior Action – When a search for a prior action discloses an existing case, the new filing will be assigned to the same judge. If the search for a prior action discloses more than one prior judge assignment, the case will be assigned to the judge with the oldest case. The search for a prior action includes the records of domestic relation cases and juvenile cases.
   ii. Name changes are assigned randomly unless the requested change is on behalf of a minor and/or there is a prior domestic matter involving one of the parents.

c. Personal Protection and Extreme Risk Protection Order Cases
   i. Except as provided in subsection b., c., and d., below, all PPO and ERPO cases are assigned by blind draw to the judges of the Family Division.
   ii. When a PPO or ERPO action is filed and the court records indicate a prior domestic relations or juvenile case involving the same parties, the PPO or ERPO action shall be assigned to the judge who was assigned the previous domestic relations or juvenile case.
   iii. When a domestic relations case is filed and court records indicate a prior PPO or ERPO action involving the same parties, the new case shall be assigned to the judge who was assigned the previous PPO or ERPO action if that judge is in the Family Division.
   iv. When a PPO or ERPO action is filed and the court records indicate a prior PPO or ERPO action involving the same parties, the PPO or ERPO action shall be assigned to the judge who was assigned the previous PPO or ERPO action if that judge is in the Family Division. If the prior judge is in the civil/criminal division, a blind draw shall be made from the Family Division.

4. Prior Matters. When cases or motions are filed, the responsible clerk shall review the case inventory and court records to see if the family, as defined herein, has a prior pending matter, as defined herein.

5. Case Types. The primary case types of the Family Division are: AB, AC, AD, AF, AG, AM, AN, AO, AU, AY, DC, DJ, DL, DM, DO, DP, DS, DZ, EE, EJ, EM, EP, ER, EV, EZ, FH (only felony, non-support of child support), ID, JA, JG, NA, NB, PH, PJ, PP, PW, TL, UE, UF, UI, UM, UN, VF, and VP. The following case types are ancillary when filed in the Circuit Court: CA, CY, DD, GA, GL, GM, JA, LG, MI, NC, and PO.

6. Concurrent Cases. Cases not otherwise specified in this Plan may be transferred to a judge upon agreement of the two judges and Chief Judge.

C. REASSIGNMENT OF CASES

1. Disqualifications. Disqualifications will be first handled as described under MCR 8.111(C)(1). Cases must be reassigned first with the Court's Family Division, then within the remaining Bench, and finally by SCAO assignment.

2. Transfer. Complete caseloads will be transferred to a successor judge if there is a judicial vacancy that is later filled. If the case assignment order is modified, the Chief Judge will determine how to disperse any pending cases if a complete caseload transfer is not appropriate.

3. Dispute. Any dispute on proper reassignment shall be resolved by the Chief Judge and/or the Presiding Family Court Judge, should one be appointed.

D. STAFFING AND FACILITIES

1. Administrative Structure. A family division organization structure chart is included as Appendix A. The referees, ADR, juvenile probation and Friend of the Court provide statutorily required support services to the Court so that the Court is operating efficiently with each judge serving and in furtherance of the Plan's goals.

2. Remote Proceedings. Remote proceedings may be utilized as permitted by the Michigan Court Rules and the presiding hearing officer.

3. Facilities. The Family Division is housed in the Macomb County Court Building and Old County Building. The Sheriff's Department provide security for these locations. The county maintains the facilities and works with court administration to consider any requested improvements as needed. Additionally, the county maintains the youth detention facility, Juvenile Justice Center, and employs a director to manage the facility.

E. RECORDS MANAGEMENT

1. Clerks of the Court. The Macomb County Clerk is designated as the Clerk of the Court for the Family Division, except for Juvenile Court filings that are maintained by the Juvenile Division. The Macomb County Probate Clerk shall maintain every record created by or filed with the Probate Court.

2. Plan Development. The County Clerk has been afforded the opportunity to participate in the development of plans for management of court records. Any letter of concurrent or disagreement with the Plan authored by the County Clerk regarding management of court records shall be submitted to the SCAO with the submission of the Family Court Plan for approval.

3. Filing. Court documents for domestic relations cases are filed at the County Clerk's Office. Court documents for juvenile cases are filed at the Juvenile Division. The majority of court documents for the Friend of the Court are filed with the County Clerk's Office. Objections to recommended orders for support are filed directly with the Friend of the Court Office.

4. Access Point. Information for the public is provided at: https://www.macombgov.org/departments/16th-judicial-circuit-court. Additionally, the Circuit Court Administration Office will provide public, citizens, litigants and attorneys with information regarding access to courts and court related activities, such as where to file documents, how records are stored and how records may be accessed.

5. Internal Transfer. The majority of the Court's files are electronic. There is an imaging system that allows authorized users of the Court Case Management Information System to view court documents electronically. Any file transfers necessary will be done by the Clerks of the applicable courts.

6. Technical Access. All court files are maintained electronically and are accessible to court employees of the respective courts. File security is managed with access profiles and is specific to each group of employees. Court Administration manages all file access issues. Public documents are available for inspection at the Clerk's offices. The Register of Actions and court schedules are available on the Court's website for all public proceedings.

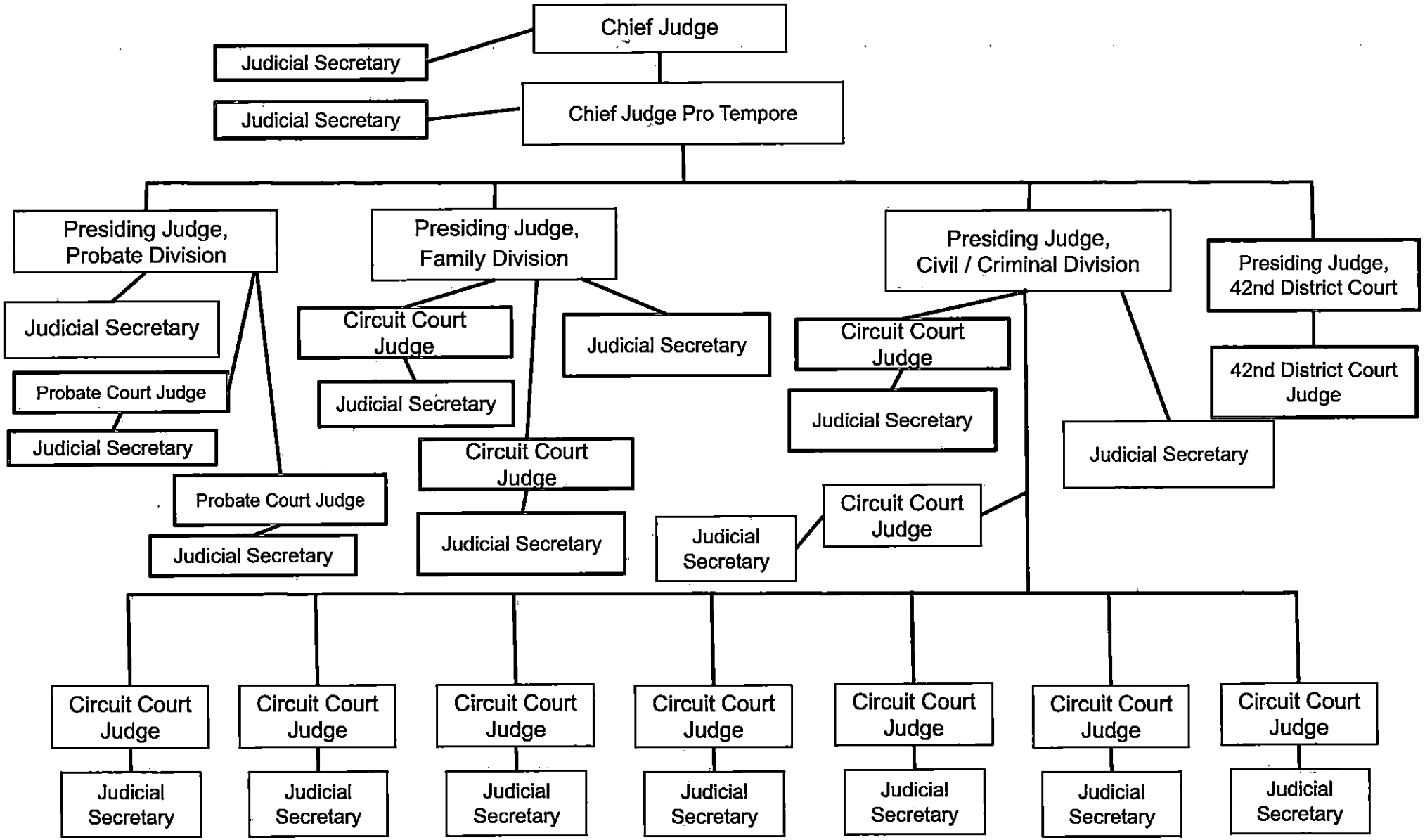
7. Public Access. This Plan is posted on the Court's website and is otherwise publicly available upon request.

Dated: June 6, 2025

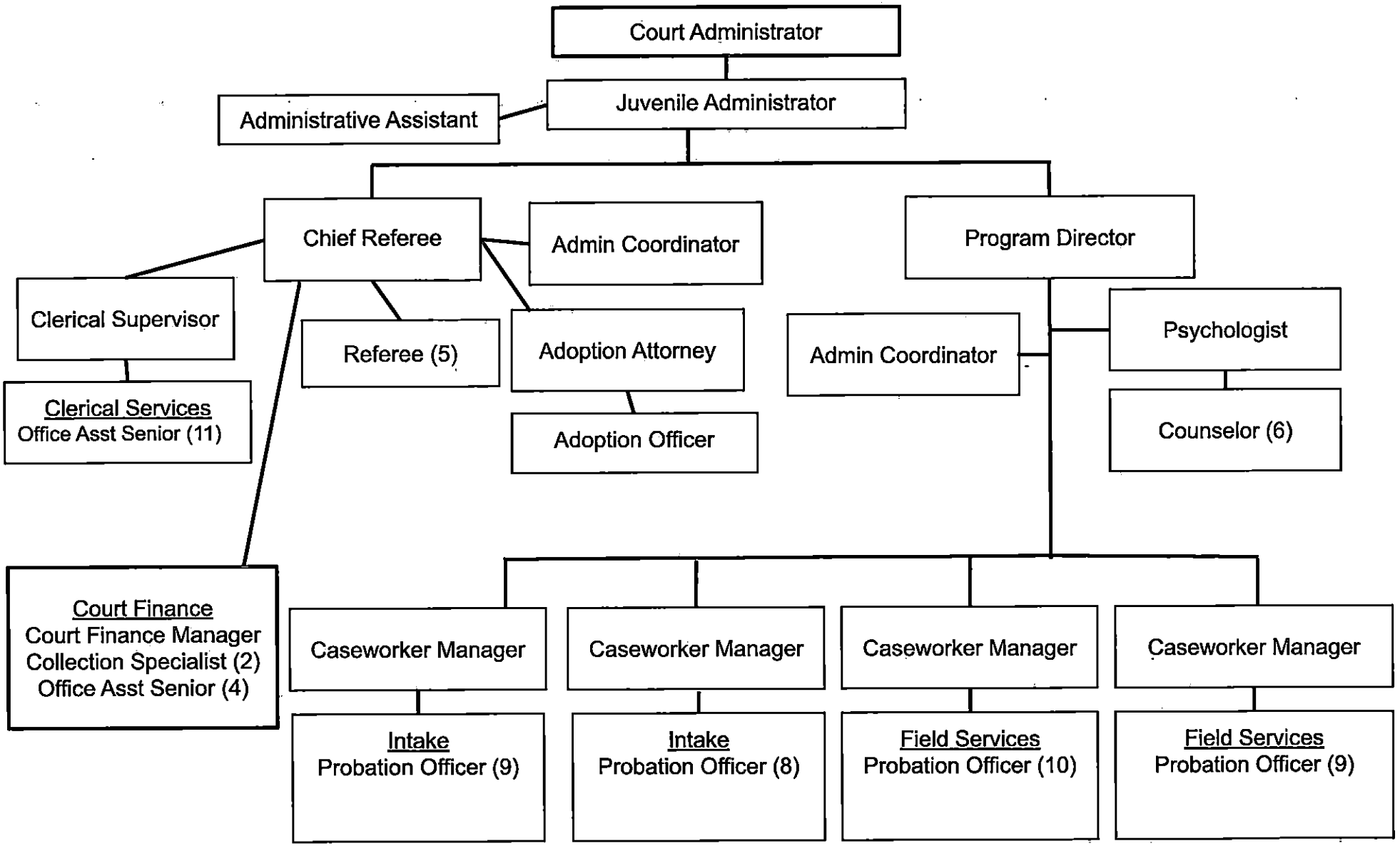
James M. Biernat, Jr. – Chief Judge
16th Judicial Circuit, Macomb Probate, and
42nd Judicial District Court

APPENDIX A

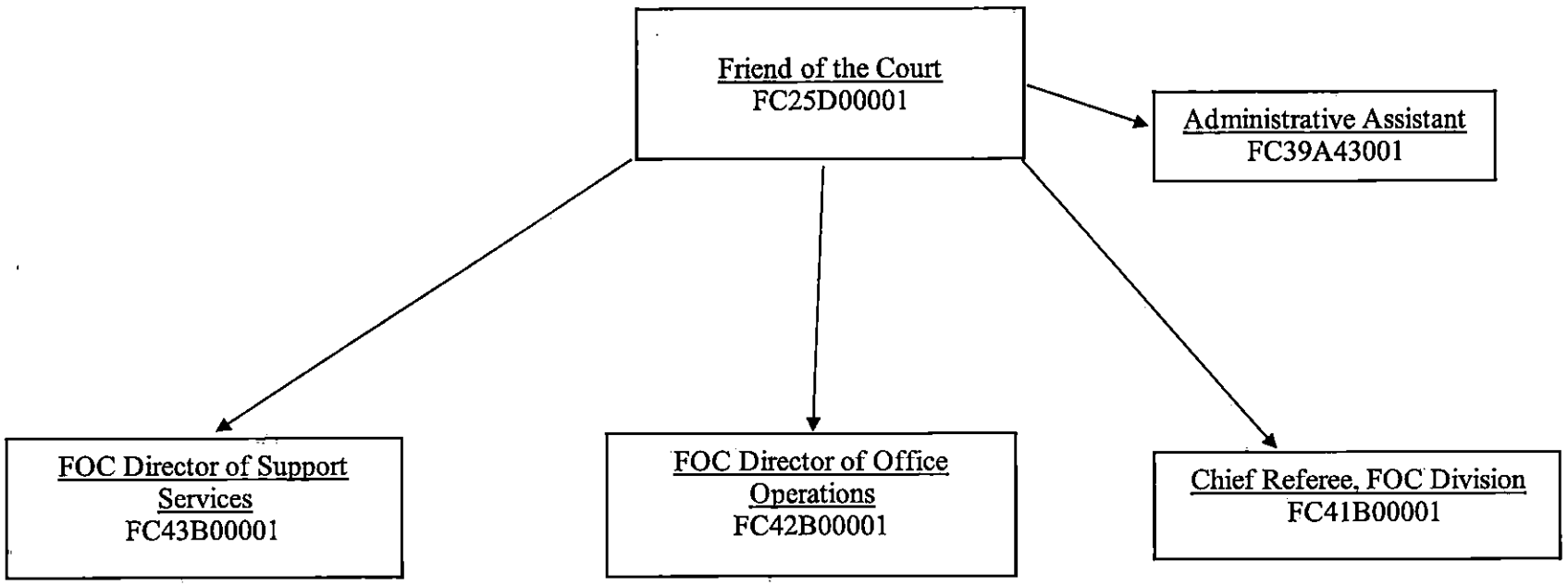
16th Judicial Circuit, Macomb County Probate, and 42nd District Courts - Judiciary



16th Judicial Circuit Court - Juvenile Division



FRIEND OF THE COURT ORGANIZATIONAL CHART



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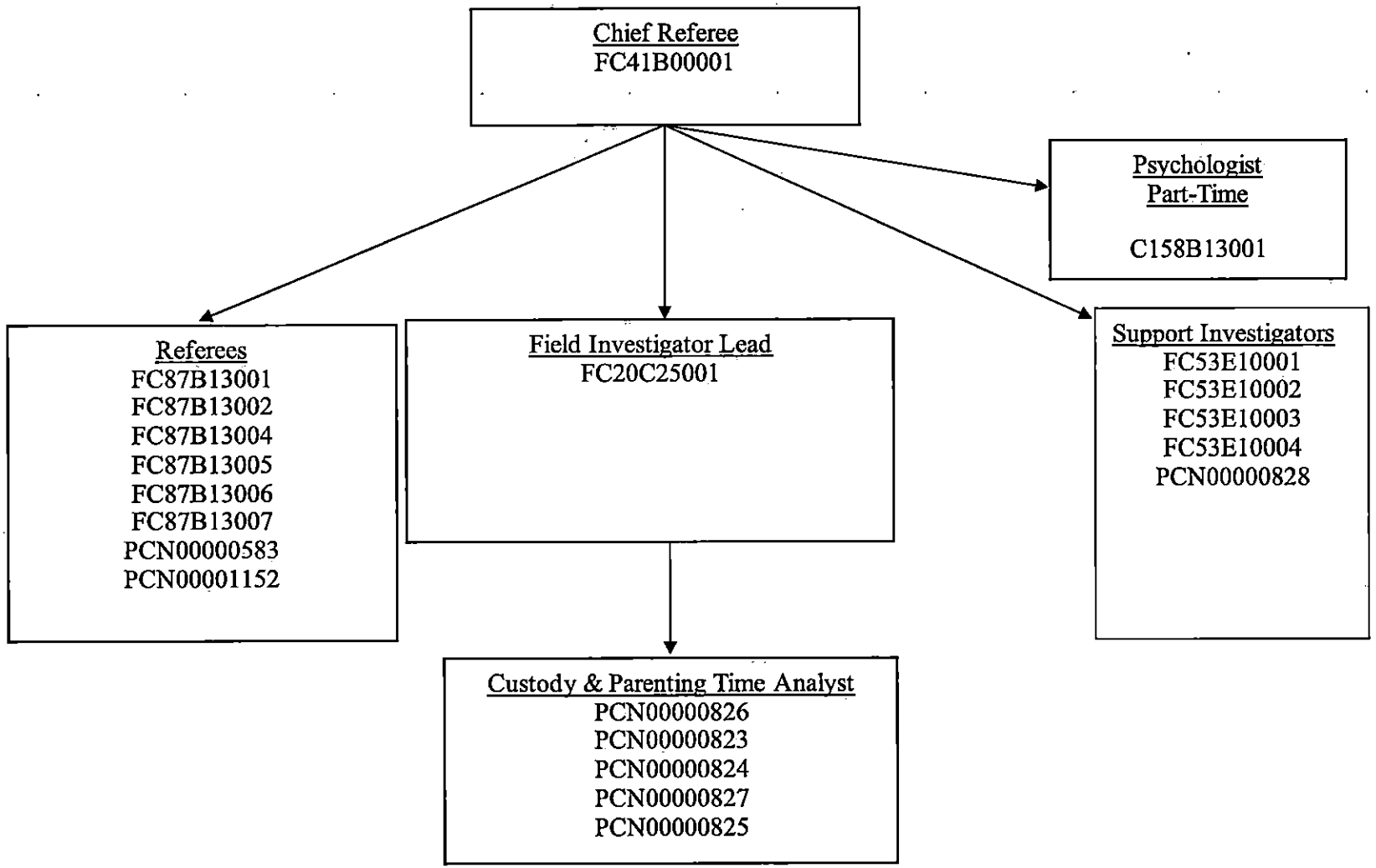

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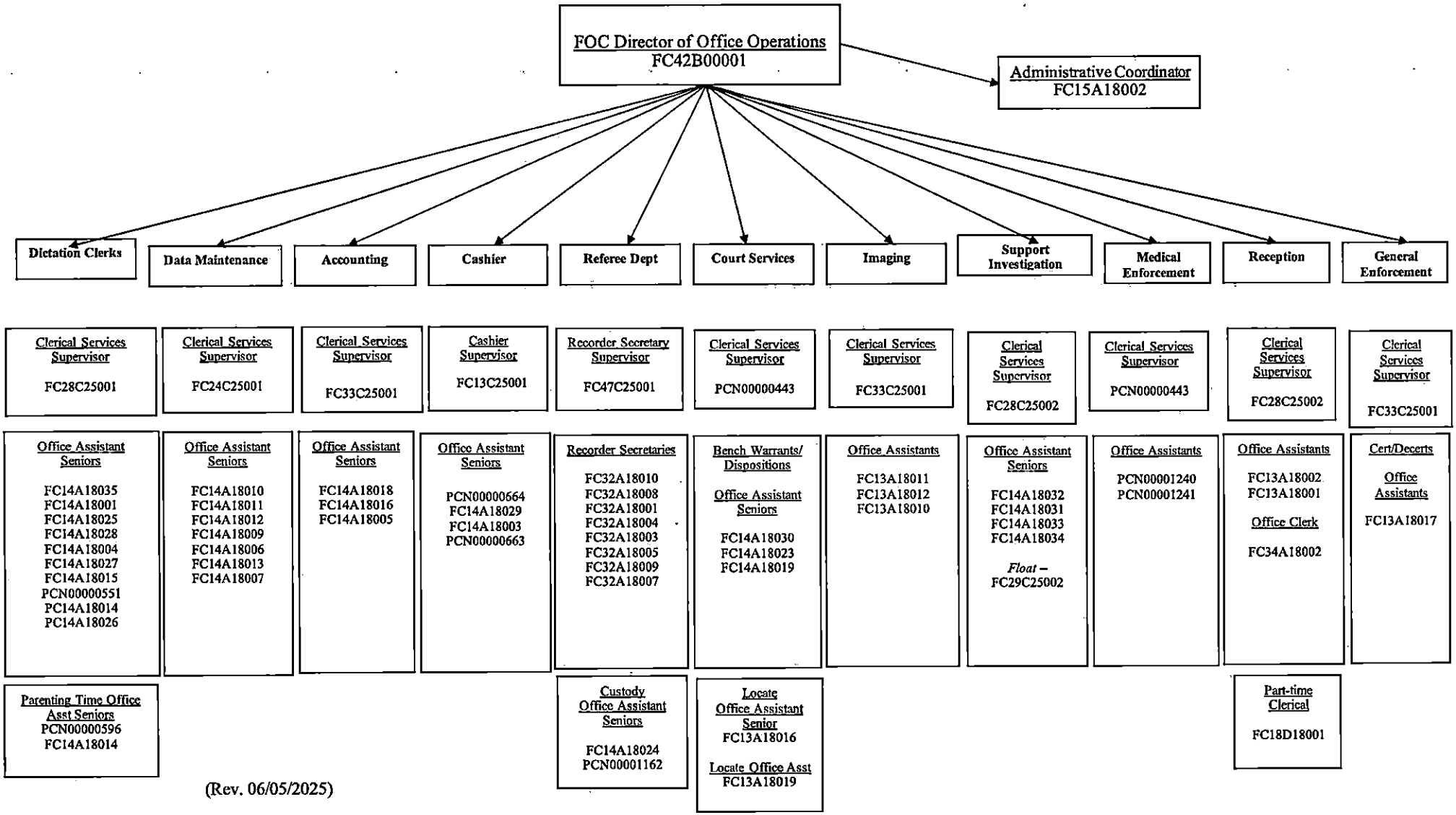

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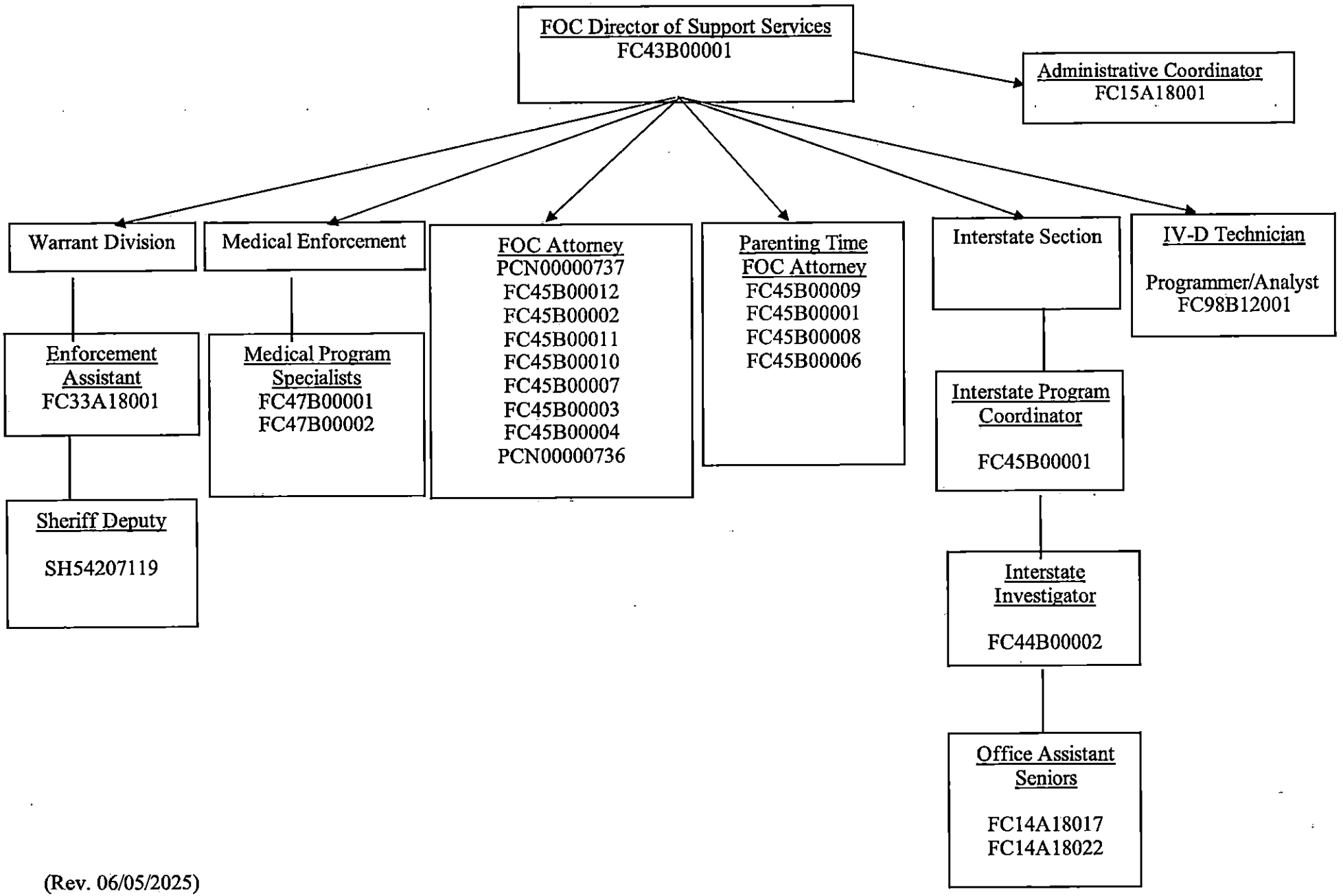

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