16th Judicial Circuit Court
Appointed Counsel – Juvenile Division
Policy and Procedures

POLICY

The following policy and procedures govern the selection, appointment, and compensation of counsel who represent indigent parties in the 16th Judicial Circuit Court – Juvenile Division.

PROCEDURES

I. APPOINTMENT CATEGORIES

The following Juvenile Division Assignment Lists will be maintained:

A. Child Protective Proceedings (NA)
B. Juvenile Delinquency Proceedings (DL)
C. Saturday NA/DL Preliminary Hearings
D. Appellate Proceedings
E. Parental Bypass Matters

The Chief Judge may create additional assignment lists or additional categories within any of the existing lists after consultation with the Macomb County Bar Association or the Juvenile Division Assignment Committee identified in Section III (C) of this policy.

II. ADMINISTRATION OF THE APPOINTED COUNSEL PROGRAM

The Chief Judge shall administer the appointed counsel program. The assignment lists shall be maintained by a person, or persons designated by the Circuit Court Administrator.

III. APPLICATION, EVALUATON, LISTING, AND ATTORNEY SELECTION

A. Attorneys wishing to be appointed to a Juvenile Division Assignment List shall apply by filing an application with Juvenile Division Administration. Applications are available at the Juvenile Division or on the Juvenile Division website.

B. In order to be placed on a Juvenile Division Assignment List, attorneys must have fulfilled all training requirements, and any other requirements set forth in all application materials.

C. A Juvenile Assignment Committee shall be appointed by the Chief Judge. The Juvenile Assignment Committee shall be made up of one judge of the 16th Judicial Circuit Court, two Juvenile Division Referees, the Juvenile Division Administrator, and three members of the Macomb County Bar Association, nominated by the President of the MCBA.

D. The Juvenile Assignment Committee shall meet regularly to review attorney applications and any information received from applicants.

E. Applications will be received and processed by the Juvenile Assignment Committee continuously throughout the year.

F. Qualifications for the DL List: Attorneys must be admitted to the State Bar of Michigan for a minimum of one year before receiving case assignments. The one year requirement may be waived if the applicant can establish that they have observed proceedings at the 16th Judicial Circuit Court – Juvenile Division including preliminary hearing, plea, disposition, and review hearing.

G. Qualifications for the NA List: Attorneys must be admitted to the State Bar of Michigan for a minimum of one year before receiving case assignments. Attorneys must have successfully represented clients in child protective proceedings before receiving case assignments. The one year requirement may be waived if the applicant agrees to participate in the Court's attorney mentorship program.

H. Qualifications for the Saturday Preliminary Hearing List: An attorney must be on the DL and NA lists prior to being placed on the Saturday Preliminary Hearing list.

I. Attorney applicants will be notified in writing of the action taken by the Committee.

J. An attorney whose application is denied by the Committee may appeal in writing to the Chief Judge within 30 days of receiving the notice of the action of the Committee. The Chief Judge shall inform the applicant of the decision in writing.

IV. APPOINTMENT PROCESS

A. All appointments from the Juvenile Division Assignment Lists will be by rotation. The Court staff assigned to contact attorneys will follow the procedures established by the Court.

B. The Chief Judge, in an unusual, appropriate situation where the best interests of justice would be served by such action, may appoint counsel out of rotation from the Juvenile Division Assignment Lists or may appoint counsel not presently on the list. Reasons for such action shall be stated either on the record or in the order appointing counsel.

C. In exigent circumstances, a judicial officer may appoint counsel, on the record or in an order, to represent a party immediately when it serves the interests of justice, and it is not practical to delay proceedings in order to appoint from the appropriate Juvenile Division Assignment List.

V. COMPENSATON OF COUNSEL

Compensation for Appointed Counsel shall be made according to the 16th Judicial Circuit Court – Juvenile Division fee schedule.

VI. PERFORMANCE BY COUNSEL

A. Judges and referees may monitor the performance of Appointed Counsel to ensure compliance with statutory requirements.

B. Where a judge or referee determines Appointed Counsel has not fulfilled the statutory requirements, the judge or referee may note the performance concern and alert the Juvenile Division Administrator who will place it on the Juvenile Assignment Committee's meeting agenda for discussion.

C. The Juvenile Assignment Committee will receive and discuss the performance concern at the next available meeting. If the matter is urgent. The Committee may elect to hold a special meeting.

D. After a performance concern discussion is held, the Committee may elect to do any of the following:
    1. Advise the attorney of the concern and indicate no response is necessary
    2. Advise the attorney of the concern and ask for a response
    3. Advise the attorney of the concern and implement one or more of the following actions:
        a. Assign a mentor
        b. Assign additional training
        c. Temporarily suspend from assignments
        d. Removal from one or more appointment lists

E. The Juvenile Division Administrator will inform the attorney in writing of the Committee's recommended action.

F. Any rebuttal or explanatory information provided by the attorney regarding the performance concern will be consolidated and given to the Committee for further consideration.

G. Appointed Counsel may appeal any performance concern actions taken by the Committee to the Chief Judge by sending a written request to the Juvenile Division Administrator within 21 days of the notification of the Juvenile Assignment Committee's decision.

VII. MAINTENANCE OF RECORDS

A. The annual report or reports will be available for inspection by the public, without charge, at the office of the Circuit Court Administrator within normal business hours. A

person seeking access to the reports must provide identification and may only review the reports in the lobby of the Circuit Court Administrator's Office under the reasonable supervision of staff to safeguard the contents of the reports.

B. Records will be maintained pursuant to SCAO General Schedule 15.

Chief Judge James M. Biernat, Jr.

1.28.26
Date