



THE FORTIETH JUDICIAL CIRCUIT OF MICHIGAN

NICK O. HOLOWKA
Circuit Judge

Lapeer County Complex Building
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FAMILY COURT PLAN
OF THE
40TH JUDICIAL CIRCUIT COURT

I. **PLAN REQUIREMENTS**

A. Administration

1. The chief judge of the circuit court has supervisory authority over the administration of the family division of the circuit court.

The Honorable Nick O. Holowka has supervisory authority over the administration of the family division of the Circuit Court.

The administrative structure including the coordination of staff, clarification of supervisory responsibilities, facilities management, and the budget process are pursuant to the attached organizational chart.

2. The presiding judge of the family division is listed in Appendix A.

B. Judicial Service and Case Assignment

The judges listed in Appendix A are designated to serve in the Circuit Court Family Division and will be responsible for all the new family cases filed in the family division of the 40th Circuit Court. In order to maintain an efficient and effective caseload management and because of the expertise of the respective judges and because of the number of cases in the family division, it is necessary to designate two judges to the family division. The Chief Judge will handle matters in the family division for conflict cases and in order to maintain efficient and effective caseload management. The Chief Judge of the Circuit Court shall determine the length of service of judges designated to serve in the family division.

There are too many family cases for one judge. The expertise of the current probate judge in the juvenile cases and in probate cases make him the logical

workload, one of the circuit judges must be designated to serve in the family division. The remaining circuit judge will be assigned all of the circuit cases that are not in the family division.

Based on current case filing, the most efficient way to create a family court division, and to also have sufficient resources and expertise for the remaining probate and circuit caseload, given the caseload in the 40th Circuit, is to designate two judges to the family division. These two judges will primarily handle family cases, although the probate judge will continue to hear the probate cases and the circuit judge may be assigned individual non-family division circuit cases by the chief judge in order to maintain effective and efficient case management of all cases.

A judge's service to the family division shall be consistent with the goal of developing sufficient judicial expertise in the family law to properly serve the interests of families and children.

This plan shall be implemented on January 1, 2013, with periodic reviews by the Judicial Council, with modifications being made if necessary.

C. Caseflow Management

1. Cases will be assigned pursuant to the Local Administrative Order for assignment of cases in the Circuit Court Family Division.

Family division cases currently assigned to a judge shall remain with that judge. New family division cases involving the same family involved in a prior or pending case shall be assigned pursuant to MCR 8.111 when practicable to the judge with the previous or pending case.

When a judge's service pursuant to the family court plan ends, pending cases of that judge will be reassigned to another judge or judges serving pursuant to the family court plan if not resolved by that judge.

D. Facilities and Records Management

1. The managing, storage, and filing of all circuit court documents, including the family division files, shall be under the supervision of the County Clerk. Filing of all circuit court documents, including the family division documents, shall be in the County Clerk's office, or a place to which the public and the bar will be directed for the County Clerk's office.

This section is subject to review following the decision of the Supreme Court in Case NO. 121400, Lapeer County Clerk versus Lapeer County Circuit Court and County of Lapeer.

A central information point shall be established within the County Clerk's office. The public, parties, and lawyers will be able to obtain scheduling and filing information in the County Clerk's office or will be appropriately referred elsewhere by someone in that office.

Lapeer County has no youth detention facility.

2. The County Clerk has been afforded an opportunity to participate in the development of the plan for management of court records.

E. Training and Staff

1. Cross training of all individuals involved within the family division will be achieved. Items requiring training will be identified through a process which will solicit input from staff as well as administration. In order to maximize the local resources available for this effort, staff will be sent to sponsored training of the SCAO, MJI, FIA, etc., when and where available. Any areas not addressed through the utilization of such training resources will be addressed through the use of inter-departmental efforts.

A judge serving pursuant to the family court plan shall receive appropriate training as required by the Supreme Court.

II. PLAN GUIDELINES

A. Facilities and Records Management

1. The current circuit court files which are part of the family division will remain in the County Clerk's office. Current juvenile files will remain in their current location, until sufficient space is available in the County Clerk's office.

Electronic bridges will be utilized if and when JIS develops them. Currently, central name index, uniform calendaring, and access to menus of other systems is all that is available.

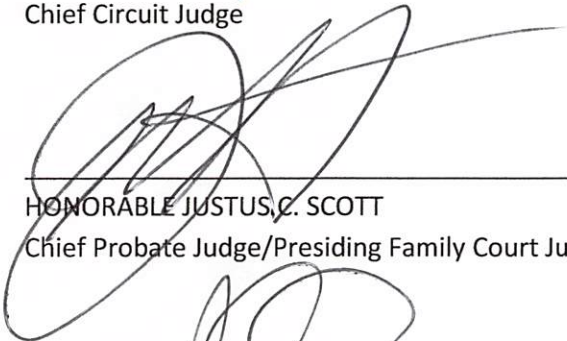
The Court will continue to work with County Administration to provide additional spaces for the needs of families, meeting rooms, additional security for staff and persons using the courts, as well as providing additional records security, all as part of the remodeling of the Court Complex.

The undersigned affirm that the information contained in this Plan represents the full agreement of the chief judges involved in developing the Plan. This Family Court Plan supersedes prior plans that have been approved for the operation of the family division of the Circuit Court.



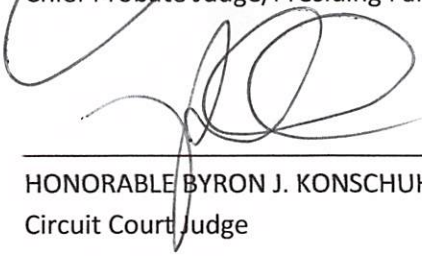
HONORABLE NICK O. HOLOWKA
Chief Circuit Judge

Date: 5/15/13.



HONORABLE JUSTUS C. SCOTT
Chief Probate Judge/Presiding Family Court Judge

Date: 5-10-13



HONORABLE BYRON J. KONSCHUH
Circuit Court Judge

Date: 5-10-13

APPENDIX A

40th Circuit Court Family Plan

Presiding Family Court Judge:

- **Honorable Justus C. Scott**

Judges Designated to Serve in the 40th Circuit Court Family Division

- **Honorable Justus C. Scott, Lapeer Probate Court Judge**
- **Honorable Byron J. Kenschuh, 40th Circuit Court Judge**