

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT OAKLAND COUNTY PROBATE COURT	METHOD FOR ASSIGNING CASES IN THE FAMILY DIVISION OF CIRCUIT COURT	ADMINISTRATIVE ORDER 2003- 02J CIRCUIT COURT 2003-01J PROBATE COURT
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I. SCOPE

This administrative order is issued in accordance with Michigan Court Rule 8.112(B), which allows a trial court to issue administrative orders governing internal court management. This order provides a method for assignment of cases within the family division.

II. ASSIGNMENT OF CASES

All cases shall be assigned to a judge at the time of filing unless otherwise provided by Court Rule, Administrative Order, or Directive of the Chief Judge.

- (a) The County Clerk shall assign all cases identified by case type codes listed in Case File Management Standard 39 A (6) – (10), except as designated in (b) – (f).
- (b) All juvenile traffic cases shall be assigned by Juvenile Intake
- (c) Guardianship and Mental Health matters shall be assigned by the Probate Register.
- (d) Mental Health commitments shall be assigned to the duty judge docket by the responsible division of the Probate Court.
- (e) Waiver of parental consent for abortion cases shall be assigned by blind draw by the Family Division Administrator or designee.
- (f) Any felony cases designated for the family division shall be assigned by the Circuit Court Administrator.

III. BLIND DRAW PROCEDURE

- (a) Judicial assignment shall be accomplished by blind draw. The person making the blind draw shall not know to whom a case is assigned until the case is filed.
- (b) Blind draw decks are prepared by Information Technology for use in making judicial assignments in the following categories:
 - (i) Domestic relations
 - (ii) Delinquency
 - (iii) Juvenile 'policy' cases
 - (iv) Child Protective Proceedings
 - (v) Miscellaneous cases within the subject matter of the family division and not otherwise referenced in (i) – (iv).
- (c) The blind draw procedure will be utilized unless an exception applies.

IV. GENERAL EXCEPTIONS TO BLIND DRAW

The following enumerated exceptions preclude use of the blind draw:

- (a) When the family check of mother, father and siblings discloses that one or more of them has an existing case, the new filing will be assigned to the same judge, unless two or more years has passed without activity on the case. If the family check discloses more than one prior judge assignment, the case will be assigned to the judge with the oldest case, unless the oldest case has had no activity in the past two years, in which event the oldest case with activity within the past two years will determine the judicial assignment.. The family check includes the records of domestic relation cases, minor guardianship 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.
- (b) If a family check discloses that there was a prior case, now closed, formerly within the jurisdiction of the juvenile court, the case will be assigned by blind draw if the former judge is not a judge of the family division or two years or more have elapsed since the case was closed.

V. DOMESTIC RELATIONS AND PERSONAL PROTECTION ORDER EXCEPTIONS TO BLIND DRAW

The following enumerated exceptions preclude use of the blind draw:

- (a) Suits to enforce property settlements arising out of Judgments of Divorce granted by a judge of the Circuit shall be assigned to the same judge to whom the divorce action was assigned unless two or more years have passed without activity on the case.
- (b) Cases filed pursuant to the Uniform Reciprocal Enforcement of Support Act which arise out of previous divorce actions filed in Oakland County shall be assigned to the same judge to whom the divorce action was assigned unless two or more years have passed without activity on the divorce action.
- (c) Domestic relations cases including divorce, separate maintenance and annulment actions, paternity, family support, URESA and UIFSA, filed between parties who have previously filed such actions in this Circuit shall be assigned to the judge to whom the prior case or cases were assigned unless two or more years have passed without activity on the case.
- (d) When a Personal Protection Order action is filed and the court records indicate a prior domestic relations case involving the same parties, the Personal Protection Order action shall be assigned to the judge who was assigned the previous domestic relations case unless two or more years have passed without activity on the domestic relations case.
- (e) When a domestic relations case is filed and court records indicate a prior Personal Protection Order action involving the same parties, the new case shall be assigned to the judge who was assigned the previous Personal Protection Order action unless two or more years have passed without activity on the Personal Protection Order action.

VI. JUVENILE DELINQUENCY AND JUVENILE CRIMINAL CASE EXCEPTIONS TO BLIND DRAW

Cases involving codefendants shall be assigned as follows:

- (a) 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.
- (b) Where only one codefendant has a judge previously assigned, all codefendant cases will be assigned to that judge unless there has been no activity on the case in the past two years, in which event subsection (c) applies.
- (c) Where no codefendants have a judge previously assigned, there will be one blind draw and all codefendant cases will be assigned to that judge.

VII. REASSIGNMENT OF CASES

If it appears to any two judges that the interests of justice would better be served by reassignment of any case, and in accordance with the legislative intent expressed in 1996 PA 388, any case may be reassigned from one judge to another with their consent and the approval of the Chief Circuit Judge.

Any dispute as to the proper reassignment of any case shall be resolved by the Chief Circuit Judge.

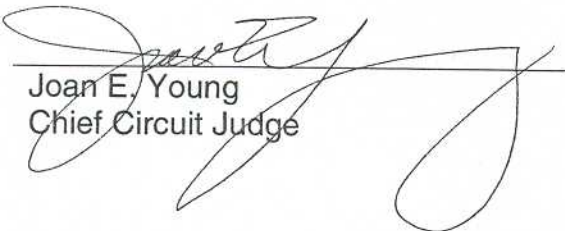
VIII. DISQUALIFICATION

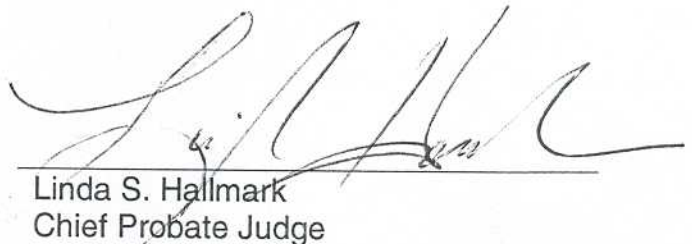
Disqualification of judges shall be processed in accordance with MCR 2.003. If a judge is disqualified or for other good cause cannot undertake an assigned case, the Chief Judge may direct reassignment to another judge in accordance with the Alternate Judge Table.

This order shall be effective January 30, 2003.

1-30-03

Date


Joan E. Young
Chief Circuit Judge


Linda S. Hallmark
Chief Probate Judge