

STATE OF MICHIGAN 6TH JUDICIAL CIRCUIT COURT OAKLAND COUNTY PROBATE COURT	METHOD FOR ASSIGNING CASES IN THE FAMILY DIVISION OF CIRCUIT COURT	JOINT ADMINISTRATIVE ORDER 1997-3
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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

(1) 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) All cases identified by suffix codes listed in MCR 8.117(B)(4) and all juvenile delinquency, child protective proceedings, emancipation, and adoption cases shall be assigned by the County Clerk.

(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) Waiver of parental consent for abortion cases and Mental Health commitments shall be assigned to the duty judge docket by the responsible division of the Probate Court.

(e) 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 APolicy@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. If the family check discloses more than one prior judge assignment, the case will be assigned to the judge with the oldest case. The family check includes the records of domestic relation cases, minor guardianships 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.

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.

(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.

(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.

(d) When a petition for a Personal Protection Order is filed and the court records indicate a prior domestic relations case involving the same parties, the petition for Personal Protection Order shall be assigned to the judge who was assigned the previous domestic relations case.

(e) When a domestic relations case is filed and court records indicate a prior petition for Personal Protection Order involving the same parties, the new case shall be assigned to the judge who was assigned the previous petition for Personal Protection Order.

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.

(b) Where only one codefendant has a judge previously assigned, all codefendant cases will be assigned to that judge.

(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

(6) 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.

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

VIII. DISQUALIFICATION

(8) 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 1, 1998.

Date: October 10, 1997

/s Hon. Edward Sosnick
Hon. Edward Sosnick

/s Hon. Eugene Arthur Moore
Hon. Eugene Arthur Moore