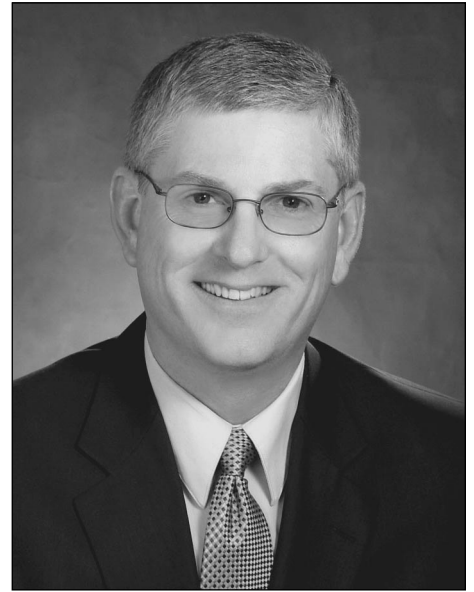


# Family Division Visiting Judge Approved

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by *Kevin M. Oeffner*  
*Circuit Court Administrator*

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Once had a boss who was fond of saying that “it rains money on Oakland County.” He meant that the seemingly endless business and residential expansion that Oakland County enjoyed for a couple of decades produced tax revenues that were through the roof one year after another.

No doubt that was true in the 1980s and most of the 1990s, but things have changed. The prosperous years produced by all that “rain” have given way to a new era that would more aptly be described as lean. Oakland County has had to adjust its budgetary priorities in the wake of flattened tax revenues, constraints on the distribution of federal and state revenue to counties, horrendous budget problems in Lansing, and a state economy that ranks 49th.

So what does budget talk have to do with a new visiting judge? Once every two years the State Court Administrative Office prepares a report of recommendations regarding the judicial resources needed in Michigan’s trial courts. The latest report indicates that our circuit is short more than three judges. A single new judgeship was recommended in 2009. Oakland County did not approve the new judgeship because of budgetary constraints.

I suppose this would be a dismal article if it ended here. The good news is that while it may not be raining money on Oakland County now, the Oakland County Board of Commissioners provided the court with a new visiting judge in lieu of a new judgeship. We are grateful for the board’s support. The new visiting judge will be a much-needed resource to help shoulder a tremendous workload.

The visiting judge will preside over a docket consisting of Family Division matters. The Family Division judges met recently to discuss how best to utilize the resource.

Recommendations were developed and presented to the Chief Judge. The specifics of the docket are not finalized at the time this article is being written; however, it is expected that the docket will consist of the following case types (or a subset of the following list):

- Non-domestic and non-case-related Personal Protection Orders,
- Default hearings of filiation cases,
- De novo hearings resulting from appeals of Friend of the Court (FOC) referee recommendations (some hearings will continue to be heard by the assigned judges; some may be referred to the visiting judge to relieve the assigned judges’ workload),
- Mental health hearings,
- Step-parent and contested adoptions, and
- Safe Haven cases (Safe Delivery of Newborn Act)

In addition to the cases listed above, it is expected that the visiting judge will serve as the backup “duty judge” when the assigned judge is on the bench or otherwise unavailable. Each of the eight judges assigned to the Family Division serves as the duty judge for a week at a time, with the designation being rotated among the eight judges. The duty judge typically handles non-controversial matters referred by the assigned Family Division judges because they are in trial or hearing, at meetings, or otherwise unavailable. Such matters would include spin-off PPOs, mental health transports, and the placement of pro cons on the record.

The court will evaluate the time requirements necessary to resolve the cases listed above before a final determination is made with respect to the visiting judge’s docket. We are reasonably sure (at the time of this writing) that most, if not all, of the cases referenced above will be included on the visiting judge docket.

With respect to de novo hearings resulting from appeals of FOC referee recommendations, the court may establish a cap on the number of hearings that may be referred to the visiting judge during a given period of time. This will ensure equity in the number of matters referred by the Family Division judges. It will also enable the court to determine the appropriate number of hearings for referral to balance the visiting judge's workload with his/her availability.

You may be wondering where the visiting judge will sit. We've been pondering that question given the lack of uncommitted space in the courthouse. The county will renovate an existing conference room on the second floor of the West Wing Extension. The conference room in question sits just outside of the Court Administrator's Office. The room is large enough to accommodate a small hearing room, judicial chambers, court clerk's office, and a small waiting area. Construction began in early November and is expected to be completed by the first week in December. The plans are well-conceived and will provide adequate space suitable for the matters to be handled by the visiting judge.

The State Court Administrative Office is expected to approve the appointment of former Oakland County Circuit Judge Richard Kuhn to serve as the inaugural Family Division visiting judge. Judge Kuhn is well-known and highly respected. He was a member of our bench for 32 years, retiring from full-time service in 2004. Judge Kuhn will likely serve in this capacity for at least a few months to ensure stability as we move the Family Division visiting judge program forward. We would expect that visiting judge appointments will be rotated periodically to ensure that we have coverage in the position on a full-time basis.

The visiting judge will have at his/her disposal a court clerk whose duties will be identical to the court clerks who currently serve in chambers. We will include the visiting judge's contact and procedural information on our Web site when that information is finalized.

In closing, since this will be my last article before the holidays, on behalf of the judges and employees of the Circuit Court I want to extend to you our wishes for a happy and safe holiday season!

Until next time...

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