

Calhoun County Courts

Honorable Michael L. Jaconette
Chief Judge: Circuit, Probate & District Courts

Honorable John A. Hallacy
Chief Judge Pro Tempore

Honorable Brian K. Kirkham
Presiding Judge, Circuit Court Family Division

Honorable Sarah S. Lincoln
Presiding Judge, Circuit Court Civil / Criminal Division

Honorable Franklin K. Line, Jr.
Presiding Judge, District Court



Jeffrey S. Albaugh
Circuit/Probate Court Administrator/
Friend of the Court
Judicial Council Administrator

Katherine K. Ambrose
District Court Administrator

Cindy Rude
Probate Court Manager - Register

37th Circuit Court (C37) Administrative Order 2017-03J
Calhoun County Probate Court(P13) Administrative Order 2017-01J

Rescinds joint orders C37 2014-05J and P13 2014-01J

ORDER ADOPTING FAMILY COURT PLAN

This plan for the operation of the Family Division of the 37th Judicial Circuit of Michigan supercedes all other plans for operation of the division pursuant to MCL 600.1011 and Supreme Court Administrative Order 2003-02.

This order is issued in accordance with the applicable provisions of 2002 Public Act 682, as amended, and SCAO Family Court Plan Requirements and Guidelines.

IT IS ORDERED:

The attached amended Family Court plan is adopted.

Previous joint administrative orders C37 2014-05J and P13 2014-01J are rescinded upon the effective date of this order.

This order is effective September 18, 2017, upon acceptance by the State Court Administrative Office.

Dated: August 8th, 2017

Michael L. Jaconette, Chief Judge
Calhoun County Courts

**37th JUDICIAL CIRCUIT OF MICHIGAN
CALHOUN COUNTY PROBATE COURT
161 E. Michigan Avenue
Battle Creek, MI 49014-4066**

Michael L. Jaconette,
Chief and Probate Court Judge

Brian K. Kirkham,
Presiding Family Division Circuit Court Judge

Tina Yost Johnson,
Family Division – Circuit Court Judge

**FAMILY COURT PLAN (9-18-17)
OPERATION OF THE
FAMILY DIVISION OF THE
37TH CIRCUIT COURT (CALHOUN)
CALHOUN COUNTY PROBATE COURT**

General

This amended plan for the operation of the Family Division of the Thirty-Seventh Judicial Circuit of Michigan supersedes all other plans for the operation of the Family Division of this court pursuant to MCL 600.1011 and Supreme Court Administrative Order. The purpose of this plan is to provide for the delivery of fair, timely and quality services to children, families and persons appearing before the court and to provide maximum flexibility for the efficient use of judicial, court personnel and other resources.

Pursuant to MCR 8.110(B)(2), the Chief Judge, after consultation with the judges assigned to the Family Division, appoints a Presiding Judge of the Family Division. The Presiding Judge will advise the Chief Judge concerning policy matters affecting the division and assist the Chief Judge as otherwise specified by the Chief Judge.

The Chief Judge shall review this plan from time to time and make revisions, as necessary.

Administration

The Chief Judge has general supervisory authority over the administration of the Family Division of the Circuit Court and is assisted by the Presiding Judge of the division.

The Circuit Court and its Family Division have a unified administrative structure. The Circuit-Probate Court Administrator/Friend of the Court is the chief of the administrative staff. Administrative offices of the court are located in the Justice Center, Battle Creek, Michigan. The Circuit-Probate Court Administrator/Friend of the Court reports directly to the Chief Judge.

The Administrator, with the assistance of the Chief Deputy Administrator, is responsible for preparing and monitoring all budgets as well as the coordination and general supervision of all employees, except as may be otherwise provided for by law or Michigan Court Rule, assigned to the Circuit Court including Family Division staff.

An organizational chart of the court is attached as Appendix 1.

Judicial Resources/Service

The Circuit and Probate Court judicial resources of Calhoun County serving in the 37th Circuit Court Family Division are:

Chief and Probate Judge Michael L. Jaconette (as needed)

Presiding Family Division and Circuit Judge Brian K. Kirkham (full time Family Division and also Business Court Judge)
Circuit Judge Tina Yost Johnson (full time Family Division)

The family division judges are currently assisted by four (4) full-time attorney referees.

Judges serving in the family division pursuant to this plan are qualified and capable of handling service in the Family Division and shall continue to receive appropriate training as required by the Supreme Court and shall participate in relevant training provided by the Michigan Judicial Institute.

The Chief Judge has the authority and flexibility to determine the duration of a judge's service in the Family Division. Assignment of judges will be made consistent with the goals of providing adequate judicial resources in the Family Division and developing judicial expertise in family law to properly serve the interests of families and children who come before the court.

All judges serving in the Calhoun County Circuit, Probate and District Courts will continue to be available, through assignment, pursuant to the approved local Concurrent Jurisdiction Plan, to assist with docket coverage as may be directed by the Chief Judge.

Jurisdiction

Family division jurisdiction includes those matters as stated in MCL 600.1021 and Michigan Court Rules.

Case Assignments

The assignment and re-assignment of cases and matters to judges will be in accordance with MCR 8.111 and the approved administrative orders of the Circuit Court. The local court administrative order concerning assignment of cases to judges takes into account the provisions of MCL 600.1023 and the requirements of the State Court Administrative Office's (SCAO) Family Court Plan Requirements and Guidelines.

Disqualification and Reassignment

When a reassignment of a case is required due to disqualification of the assigned judge, reassignment will be governed by the provisions of Michigan Court Rule and the approved administrative orders of the court.

Caseflow Management and Scheduling

Scheduling and case management shall be in accordance with the case management directives of the court. The Chief Judge, in consultation with the judges serving in the

Family Division and administrative staff, developed a case flow management plan and comprehensive procedures which are approved by local administrative order.

Facilities and Data System Management

Control and daily supervisory responsibility for the non-family division functions of the Probate Court is vested with the Chief Judge assisted by the Circuit-Probate Court Administrator/Friend of the Court and Probate Manager/Register. Control and daily responsibility of the Circuit Court and Family Division is vested with the Chief Judge assisted by the Circuit-Probate Court Administrator/Friend of the Court. The Presiding Family Division Judge shall provide assistance as determined by the Chief Judge.

Circuit and Probate Courts utilize the SCAO Trial Court System (TCS) case management software while District Court utilizes the JIS case management software. All 3 courts also utilize the OnBase document management system to supplement the functions of the case management software and for administrative records.

Court facilities and equipment are within the control of the Chief Judge and the daily supervisory responsibility of the Circuit-Probate Court Administrator/Friend of the Court.

Circuit Court Clerk Services

The Circuit Court Clerk will maintain a plan for delivery of court clerk services, subject to the approval of the Chief Judge. The plan will be consistent with the provisions of MCR 8.119 and the applicable standards of the Michigan Supreme Court.

The Circuit Court Clerk's Office will serve as the point for providing the public and Bar with information regarding access to courts and court related activities, such as where to file documents, how records are stored, how records may be accessed and the date and time of hearings.

Local Training

In addition to judicial and staff orientation and training offered by the SCAO, ICLE, the State Bar of Michigan and MJJ, the court maintains in-service training and support for judges and staff addressing the following elements:

- A. Confidentiality provisions.
- B. Access to records.
- C. File management.

- D. Case management.
- E. Data systems procedures.

Human Resources Issues

The Circuit Court Clerk deputizes court staff as identified by the Chief Judge to facilitate delivery of required services.

The administration of the Circuit and Probate Courts, consistent with the requirements of this plan, review and recommend any indicated actions related to staff compensation including job descriptions, classifications and compensation schedules.

The administrators may utilize the assistance of the Human Resources Division of the State Court Administrative Office and the County Administrator's Office.

Barriers to Implementation

The court has, during the preparation and update of this plan, determined a number of elements which may be considered barriers to implementation. Some barriers may require funding unit action or SCAO attention.

Barriers currently identified include:

1. **Facilities:** The Justice Center was designed for the possible merging of some District Court and Circuit Court functions as well as merging of Probate with juvenile division functions. Facility planning did not foresee merging juvenile and other child protective functions with Circuit Court. As a result, courtroom facilities for Family Division judges were located on different floors and not adjacent to other Family Division support services. In prior Family Division Plans, rectification of this barrier was stated as requiring significant remodeling and expense; however, in 2016, the Chief Judge took action, at minimal expense, to begin elimination of this long identified barrier by providing for the eventual housing of both Family Division Judges in courtrooms on the second floor of the Calhoun County Justice Center adjacent to each other and in immediate proximity to the Division's Referees and other Family Division services. Initially, when the county had two (2) Probate Judges one was assigned full time to Circuit Court Family Division and was quartered on the second floor; however, this changed when the judgeship was eliminated and required an additional Circuit Judge to be assigned. All Circuit Judges were originally housed on the fourth (4th) floor of the facility. Upon the retirement of one of the Circuit Judges assigned to Family Division, the decision was made to begin the move of Family Division Judges to the second floor. The remaining Family Division judgeship currently housed on the 4th floor will be moved to the second floor when the incumbent judge leaves office.

2. Space in the Justice Center is at a premium. Little, if any, opportunity exists to add additional staff and/or court rooms/hearing rooms if future volume dictates the need for such additional space.
3. Data Systems: Circuit Court and Probate Court case functions of the Family Division are supported by the JIS Trial Court System case management software. The Friend of the Court is primarily supported by the state MiCSES software. The District Court will consider conversion to the TCS System at such point as it is improved by SCAO to accommodate its operations and volume. The courts' funding unit has provided a significant investment to expand the OnBase document management system from the Friend of the Court to all court (and eventually county) operations. It is intended that the OnBase system will supplement the current TCS and JIS case management software and assist in providing needed efficiency with regard to document flow within and between the courts and record management functions. The expansion and implementation are currently ongoing in all 3 courts. There appears to be no immediate plan to link MiCSES with TCS. The court is awaiting further detail concerning linking to the statewide e-filing system.

Implementation Date

This amended Family Court Plan replaces the January 1, 2015, updated plan and is effective September 18, 2017, upon acceptance by the State Court Administrative Office.

Administrative Organization Chart 37th Judicial Circuit August 2017

