

STATE OF MICHIGAN 6 <sup>TH</sup> JUDICIAL CIRCUIT OAKLAND COUNTY	METHOD FOR ASSIGNING CASES IN THE FAMILY DIVISION OF CIRCUIT COURT	ADMINISTRATIVE ORDER <u>2024-04</u> Rescinds LAO 2023-01
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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. This Administrative Order is effective upon approval by the State Court Administrative Office. This LAO rescinds the previous LAO 2023-1

## 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)-(e)
- b. All juvenile traffic cases shall be assigned by Juvenile Intake.
- c. Waiver of parental consent for abortion cases shall be assigned by blind draw by the Family Division Administrator or designee.
- d. Any felony cases designated for the family division shall be prepared under the direction of the Circuit Court Administrator and assigned by Juvenile Intake.
- e. Any adoption matter shall be assigned to a family division judge by random blind draw of the adoption department. The adoptions department will retain the official court file and no documents or docket entries may be viewed through the County Clerk's public document/docket portal.

## 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 under the written direction of the court administrator for use in making judicial assignments in the following categories.
  - i. Domestic Relations
  - ii. Delinquency
  - iii. Child Protective Proceedings
  - iv. Adoption Proceedings
  - v. Parental Waivers
  - vi. Miscellaneous cases within the subject matter of the family division and not otherwise reference in (i) – (v)
- c. The blind draw procedure will be utilized unless an exception applies.

#### **IV. GENERAL EXCEPTIONS TO BLIND DRAW**

Judicial Assignments shall be accomplished by blind draw except in the following circumstances:

##### **DOMESTIC RELATIONS AND EMERGENCY PROTECTION <sup>1</sup> ORDER EXCEPTIONS TO BLIND DRAW**

- a. Suits involving the same parties shall be assigned to the same judge.<sup>2</sup>
- b. 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.
- c. Domestic relations cases including divorce, separate maintenance and annulment actions, paternity, family support, UCCJEA, URESA and UIFSA, filed between the same 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 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<sup>3</sup> domestic relations or PPO cases.
- e. When multiple Personal Protection Order actions are filed on the same day against the same respondent, the Personal Protection Order actions shall be assigned to the same judge taking in consideration paragraph (d) above.
- f. 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.
- g. When an Extreme Risk Protection Order (ERPO) is sought and court records indicate a prior domestic or juvenile action involving the respondent or non-law enforcement complainant, the ERPO shall be assigned to the judge who was assigned the previous domestic or juvenile action.

##### **CHILD PROTECTIVE PROCEEDING CASE EXCEPTIONS TO BLIND DRAW**

Cases involving child protective proceedings shall be assigned in a manner that keeps siblings of the person(s) who are subject of the petition assigned to the same judge.

- 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, or in the case of multiple judges, the new filing will be assigned to the judge having the newest case.
- b. If a family check discloses that there was a prior case, now closed, formerly within the jurisdiction of the juvenile court, the new filing will be assigned to the former judge if he or she is still a member of the family division.

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<sup>1</sup> Personal Protection Orders MCL 600.2950, et seq. Extreme Risk Protection Orders MCL 691.1805 et seq.

<sup>2</sup> When there is a change in judges, "same judge" means that the case shall remain with the judge docket number assigned to that case.

<sup>3</sup> Previous is defined as the most recently filed (i.e. "newest" rather than "oldest") case.

## **JUVENILE DELINQUENCY AND JUVENILE CRIMINAL CASE EXCEPTIONS TO BLIND DRAW**

Cases involving juvenile delinquency proceedings shall be assigned in a manner that keeps siblings of the person(s) who are subject of the petition assigned to the same judge.

- 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, or in the case of multiple judges, the new filing will be assigned to the judge having the newest 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 to the former judge if he or she is still a member of the family division.
- c. Where two or more co-respondents have judges previously assigned, all correspondent cases will be assigned to the judge with the newest case.
- d. Where only one co-respondent has a judge previously assigned, all co-respondent cases will be assigned to that judge. Where no co-respondents have a judge previously assigned, there will be one blind draw and all co-respondent cases will be assigned to that judge.

## **NAME CHANGE AND EMANCIPATION OF A MINOR CASE EXCEPTIONS TO BLIND DRAW**

Cases involving name changes and cases involving emancipation of a minor shall be assigned in a manner that keeps parties who are subject of the petition assigned to the same judge.

- a. When the family check of mother, father, and/or minor children discloses that one or more of them has an existing case, the new filing will be assigned to the same judge, or in the case of multiple judges, the new filing will be assigned to the judge having the newest case.
- b. If a family check discloses that there was a prior case, now closed, formerly within the jurisdiction of the juvenile court, the new filing will be assigned to the former judge if he or she is still a member of the family division.

## **V. ASSIGNMENT OF UNPURGED AND UNASSIGNED CASES**

- a. With the exception of juvenile and neglect cases, unpurged cases shall be assigned using the judge number designated at the time the case was purged and assigned to the judge currently presiding over that designated judge number.
- b. For dissolved dockets, where the judge number is unassigned, unpurged case numbers will be assigned a judge through blind draw.

## **REASSIGNMENT OF CASES**

### General

- a. If it appears to any two judges that the interests of justice would be better served by reassignment of any case, and in accordance with the legislative intent expressed in 1996 PA 388, (i.e. "one family, one judge") any case may be reassigned from one judge to another with their consent and the approval of the Chief Circuit Judge.
- b. Reassignment shall be performed by a rotational blind draw process. A rotational blind draw process means - one of each family division judges names shall be placed in a



collective pool. Upon disqualification in accordance with MCR 2.003, the case shall be reassigned by lot from the pool. Once the reassignment order is completed, the judge who received the reassignment shall be removed from the pool until all names have been utilized for reassignment under this rule. Once all names have been utilized, the pool shall be replenished in its entirety.

- c. If a case is reassigned, except in instances of mass reassignment, herein, then the receiving judge shall have 21 days to give back to the reassigning judge a case of similar type and age. Upon the expiration of the 21 days the receiving judge waives the right to a "give back" .
- d. Any dispute as to the proper reassignment of any case shall be resolved by the Chief Circuit Judge.

#### Mass Reassignment

- a. For consistency in internal court docket management (MCR 8.111 and 8.112), a mass docket reassignment may be made for reasons including but not limited to the following:
  - 1) to accommodate a docket switch, the creation of a new docket, or the collapse of an existing docket,
  - 2) to effectuate a concurrent jurisdiction plan, or
  - 3) to maintain FOC referee consistency.
- b. Upon a mass reassignment, any pending motions, trials, or dispositions<sup>4</sup> shall be completed prior to the reassignment, unless otherwise agreed to by both judges that the receiving judge will hear the unresolved matters.
- c. Subject the Chief Circuit Judge's approval, a judge may elect to keep a case or cases which were identified to be reassigned.
- d. The Chief Circuit Judge may approve the reassignment of cases to correct docket control issues resulting from the requirements of this rule in accordance with MCR 8.III(D)(4)

#### Disqualification

Disqualifications of judges shall be processed in accordance with MCR 2.003. If a judge disqualified or for other good cause cannot undertake an assigned case, <sup>5</sup>the reassignment shall be performed by the family division rotational blind draw process through the case management office.

### **VI. VII. PROCEDURE FOR ORDERS OF REASSIGNMENT**

- a. All orders for reassignment shall be initiated by the court administrator and recorded prior to circulation for signature.
- b. All orders for reassignment shall be on forms prepared by the court administrator and approved by the Chief Circuit Judge. The order shall contain the reason for reassignment.

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<sup>4</sup> Where testimony has been taken by the jurist, but when there has not been a ruling as a result of that testimony. Furthermore, "completion" extends to ruling upon a subsequent motion for clarification or reconsideration of the jurist's order.

<sup>5</sup> On a rare occasion (i.e. a contempt proceeding against an attorney appearing on a case), a judge may recuse him/herself from a specific proceeding rather than the entire case. In such instances, a new jurist shall be chosen by the rotational blind draw process to preside over.

- c. All orders for reassignment shall first be presented to the judge to whom the case will be reassigned, second to the judge transferring the case, and finally to the Chief Circuit Judge for signature.
- d. Orders for reassignment of cases assigned to dissolved dockets under subsection V(b), shall be signed by the Chief Circuit Judge.
- e. After approval by the Chief Judge, juvenile and adoption orders shall be returned to the juvenile division for processing and filing. All other orders for reassignment shall be returned to the case management office for processing prior to filing in the county clerk's office.
- f. When the reassignment is completed, the juvenile division (for juvenile and adoption orders) and the case management office (for all other orders), will notify the receiving judge (via email) of the entitlement to a "give back" under these rules. Once the juvenile division/case management office receives the case number to be given back within the time allowed, it will process the subsequent order of reassignment.

DATED: 6-6-24.



Jeffery S. Matis, Chief Judge

NOTES:

2024 LAO adds an exception to the blind draw process for ERPOs.

2023 LAO adds exceptions to the blind draw process for cases involving name changes and emancipation of a minor.

2022 LAO adds a reassignment directive involving multiple PPO cases which are filed on the same day against the same respondent. It clarifies how cases are assigned for dissolved dockets. It tasks the Juvenile Department with processing reassignment for juvenile and adoption cases. It removes the requirement to attach an order of DQ to the reassignment order.

2021 LAO adds language on how to administer purged cases.

2019 LAO rescinds the joint circuit and probate court LAO numbered 2003- 01J; 2003-02J. A joint LAO is no longer necessary because the probate court has its own LAO for assigning probate cases numbered 2018-02. Moreover, case assignments between the family division of the circuit court and the probate court are governed by the circuit family court plan 2018 07J; 2018 03J or its successor LAO. This LAO removes references to probate cases, adds an adoption component, rescinds a " look-back" period, eliminates the use of the alternate judge table, and creates a family division rotational blind draw process.