

**Sixth Judicial Circuit Court for Oakland County
Appointed Counsel – Juvenile/Family Division
Policy & Procedures**

POLICY

The following policy and procedures¹ govern court Appointed Counsel for the Family Division of the Sixth Judicial Circuit Court for the County of Oakland.

PROCEDURES

I. APPOINTMENT CATEGORIES - MINIMUM QUALIFICATIONS

Appointed Counsel for parties is required in a variety of capacities for matters within the Family Division of the Sixth Judicial Circuit Court. Appointed Counsel categories are set forth below. Minimum training, experience and other qualifications are set forth in Attachment I.

- A. Child Protective Proceedings (NA)
- B. Juvenile Delinquency Proceedings (DL)
- C. Attorney Lawyer-guardian ad litem (L-GAL) for children in NA & guardianship cases
- D. Saturday NA/DL preliminary hearings
- E. Standby NA/DL juvenile matters
- F. Standby family division matters
- G. Personal Protection Order (PPO) & Extreme Risk Protection Order (ERPO) compliance
- H. Domestic cases when a party's liberty interest may be at stake
- I. Paternity cases
- J. Adoption – contested and safe delivery of newborns hearings
- K. Appeals for categories A, B, & H

II. APPLICATION, EVALUATION, LISTING, AND ATTORNEY SELECTION

- A. Attorneys seeking appointment shall take the necessary training from the Oakland County Bar Association (OCBA) or another provider.
- B. The OCBA will certify a list of attorneys who have completed the OCBA training and provide the court with this listing.
- C. An attorney who has completed the training from OCBA or other provider may apply to the court indicating the appointment categories sought. The application will be available from Family Division administration. If the attorney's name does not appear on the certified list from the OCBA, the attorney must provide documentation of training from another provider to meet the minimum training requirement.

¹ On September 18, 2019, the Michigan Supreme Court rescinded MCR 8.123 requiring courts to establish a local administrative order governing indigent defense counsel appointments. As such, the Oakland County Circuit Court LAO 2004-02 was administratively closed. The bench adopted a policy governing juvenile indigent defense counsel appointments.

- D. The Chief Judge of the Circuit Court will appoint two Family Division Judges, two trial level juvenile referees and two representatives from Family Division administration to the Family Assignment Committee. The President of the Oakland County Bar Association will appoint two attorneys to this committee. Members will serve a two-year term. Terms will be staggered to ensure continuity.
- E. The committee will establish a consolidated classification and generate an appointment list for each category. Any attorney applicant who does not make the list for a category will have his or her name placed on a "do not appoint" list for that category.
- F. The Family Assignment Committee will review applications and any information received from applicants.
- G. Attorney applicants will be notified in writing of their category acceptance or the reason(s) for any category denial.
- H. Applications will be received and processed by the Family Assignment Committee continuously throughout the year.

III. APPOINTMENT PROCESS

- A. An appointment specialist within the Judicial Support unit of the Family Division will appoint attorneys for parties in appropriate cases.
- B. To promote consistent, expert representation for parties, the appointment specialist will attempt to reappoint an attorney who has previously represented the party if a new action requires appointment of counsel and jurisdiction of the first action was terminated.
- C. When there was no prior attorney appointment, the appointment specialist will send a "blast email" to the appropriate category of attorneys notifying the group of the need for Appointed Counsel. The first attorney who accepts the appointment will be assigned the case.
- D. In addition to the appointment of counsel for individual cases, the appointment specialist will be responsible for the selection of counsel for the court's standby attorneys and Saturday preliminary hearing attorney schedules.
 - 1. For Saturday preliminary hearings and juvenile standby counsel appointments, the appointment specialist will use the rotational appointment method to fill in available dates on the monthly calendar. When the calendar is full, the appointment specialist will publish and distribute it to chambers, juvenile legal processing, juvenile administration, juvenile referees, court business office, the Oakland County Prosecutor's Office Juvenile Administration, and Children's Village administration.
 - 2. For PPO and domestic standby counsel appointments, the appointment specialist will populate an online calendar on a continuing basis via an e-mail blast to the roster attorneys. The online calendar is available to chamber staff, the PPO office, the

visiting judge (VJ) staff, and court administration. A hard copy of the monthly calendar is distributed to the above staff as well as the court business office, juvenile intake, and juvenile administration.

- E. A judge has the right of first refusal to hear a case for which a media request is made and the right to make a discretionary appointment for the media case. When making a discretionary appointment the Judge may consider the following factors:
 - 1. Counsel with special expertise in the matters relevant to the case
 - 2. Counsel whose office is located near the location of the client
 - 3. Counsel who previously represented the party
 - 4. Counsel's availability, where immediate appointment will prevent unnecessary use of resources, unnecessary delay, or other undue hardship
- F. Where it is appropriate to deviate from the rotational appointment method due to the emergency nature of a proceeding, the need for specific expertise, or other circumstance, the appointment specialist or appointing referee² will note the reason for deviation in the record of the appointment.
- G. A standby attorney appointment by a judge or referee to a specific case is exempt from reporting a deviation from the rotational basis. The business office will separately track this information.
- H. The appointment specialist will maintain records of all appointments and will provide this information to the business office for inclusion in the court's annual report of appointment activity.
- I. The appointment specialist will be responsible for communicating information about the appointment to the judge or referee hearing the case, chambers staff, the juvenile court desk, juvenile intake supervisors, PPO office, or VJ clerks, as indicated by the request's origination.
- J. Appointed Counsel may withdraw from representation in accordance with the Michigan Rules of Court.³

IV. PERFORMANCE BY COUNSEL

- A. Judges and referees may monitor the performance of Appointed Counsel to ensure compliance with statutory requirements.

² Where the judge has empowered the referee to make the "on the record" appointment in emergency situations, the referee will note this appointment on the disposition sheet. The appointment specialist will not report this appointment, but the Business Office will capture the information through the attorney payment system.

³ MCR 2.117; MCR 3.915

- B. Where a judge or referee determines Appointed Counsel has not fulfilled the statutory requirements, the judge or referee may note the performance concern and alert the appointment specialist who will place it on the Family Assignment Committee's meeting agenda for discussion.
- C. The Family Assignment Committee will receive and discuss the performance concern at the next available quarterly meeting. If the matter is urgent, the committee may elect to hold a special meeting prior to the next quarterly meeting.
- D. After a performance concern discussion is held, the committee may elect to do any of the following:
 - 1. Advise the attorney of the concern and indicate no response is necessary
 - 2. Advise the attorney of the concern and ask for a response
 - 3. Advise the attorney of the concern and implement one or more of the following actions:
 - a. Assign a mentor
 - b. Assign additional training
 - c. Temporarily suspend from assignments
 - d. Removal from one or more appointment categories
- E. The Deputy Court Administrator will inform the attorney (either verbally or in written correspondence) of the Committee's recommended action.
- F. Any rebuttal or explanatory information provided by the attorney regarding the performance concern will be consolidated and given to the committee for further consideration.
- G. Appointed Counsel may appeal any performance concern actions taken by the committee to the Family Division bench by sending a written request to the Deputy Court Administrator within 21 days of the notification of the Family Assignment Committee's decision.

V. COMPENSATION

Compensation for Appointed Counsel shall be made according to the Sixth Judicial Circuit Court's Juvenile and Family Division Fee Schedules.

VI. APPOINTMENT AND ATTORNEY COMPENSATION RECORDS; ANNUAL REPORT

- A. The appointment specialist will maintain records of all appointments made.⁴ If there has been a deviation from the rotational process, the reason for the deviation will be included.

⁴ The emergency "on the record" appointments of attorneys in hearings conducted by referees will not be included in these records maintained by the appointment specialist but will be included in the statistics maintained by the Court's Business Office. See note 1.

- B. The Business Office will maintain records of the appointments made by the court to each attorney, and the total public funds paid to each attorney by the court.
- C. The Business Office will maintain records of the appointment made by the appointment specialist of the court to each attorney, and the total public funds paid to each attorney for appointments by the court.
- D. The Business Office will compile an annual report which includes:
 - 1. The number of appointments given to each attorney
 - 2. The number of appointments given to each attorney by the court and by each judge of the court
 - 3. The total public funds paid each attorney for appointments in the court; and
 - 4. The total public funds paid to each attorney for appointments by each judge of the court
- E. The records required under this section shall be maintained pursuant to SCAO General Schedule 15.

4-29-25

Date



Honorable Jeffery S. Matis
Chief Judge of the Circuit Court

This document replaces the administratively closed LAO 2004-02 Plan for Appointment of Counsel for Indigent Parties – Family Division. This document also modifies the appointment categories to conform with practice.

ATTACHMENT I

APPOINTED COUNSEL QUALIFICATION CRITERIA

Type of Appointment	Minimum Training	Minimum Experience	Other Qualifications
Category A			5 Years trial experience (which includes NA exp) for appointment on case seeking TPR at initial disposition.
Child Protective (NA) Proceedings	Juvenile Advocacy ⁵	3 prior appointments as attorney for Respondent OR 3 second chairs w/mentor for Temp Wardship case	
Category B			
Juvenile Delinquency (DL) Proceedings	Juvenile Advocacy + Criminal Law	3 prior appointments as attorney for juvenile OR 3 second chairs w/mentor	
Category C			
Lawyer-GAL for child in Child Protective Proceedings and Juvenile Guardianship Proceedings	Juvenile Guardian Ad Litem + Juvenile Advocacy	3 prior appointments as L-GAL OR 3 second chairs prelim/P-T through disposition w/ qualified GAL mentor	
Category D			
Saturday Preliminary Hearings (NA or DL)	Juvenile Advocacy (DL) Juvenile Guardian Ad Litem (NA)	3 prior case appointments (NA/DL), at least 1 of each	
Category E			5 Years trial experience for appointment on case seeking TPR at initial disposition
Standby Attorney Juvenile Proceedings (NA/DL)	Juvenile Advocacy (DL) Juvenile Guardian Ad Litem (NA)	3 prior case appointments (NA/DL), at least 1 of each	
Category F, G, H, & I			
Family Division Matters where liberty is at stake PPO violations ERPO compliance hearings Paternity Matters	Family Law + Criminal Law ⁶	None	
Category J			
Contested Adoption and Safe Delivery of Newborn Hearings	Family Law + Adoption Law	None	
Category K			
Appeals for categories A, B, & H	Juvenile Law + Family Law Appellate Procedures	None	

⁵ Oakland County Bar Association (OCBA) sponsored course, or equivalent course from another provider

⁶ OCBA, CDAM, ICLE, NACDL or other provider-sponsored courses