

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

IN RE: THE ASSIGNMENT AND REASSIGNMENT
OF CASES TO IMPLEMENT THE FAMILY DIVISION
OF THE KENT COUNTY CIRCUIT COURT

JOINT LOCAL ADMINISTRATIVE
ORDER 2003-07J, 17th Circuit Court
2003-02J, Kent County Probate Court

At a session of said Court, held in the Kent County Courthouse
In the City of Grand Rapids in said County,
June 16, 2003

Present: HON. GEORGE S. BUTH HON. JANET HAYNES
Chief Circuit Court Judge Chief Probate Court Judge

To implement the plan submitted, as required by 1996 PA 388 and 2002 PA 682, by the Chief Judges of the Kent County Circuit Court and the Kent County Probate Court to the State Court Administrative Office, for the creation of the Family Division of the Circuit Court; and to develop a procedure for the assignment of new and pending cases to two newly approved circuit court judge positions.

IT IS HEREBY ORDERED that:

1. The following definitions apply for purposes of this order:
 - a. "Domestic relations case" means any case identified in MCL 600.1021(1)(a), (g), (h), (j) and (k).
 - b. "Juvenile case" means any case identified in MCL 600.1021(1)(b), (c), (d), (e), (f), (i).
 - c. A "delinquency case" is any case identified in MCL 712A.2(a), (c), and (d).
 - d. A "child protective case" is any case identified in MCL 712A.2(b).
 - e. In connection with "domestic relations case," the term "pending" means any such case in which a final judgment has not been entered and any such case in which there has been filed with the judge assigned to the case, but not yet decided, a post-judgment motion of any kind. Requests for child support recalculation and other matters being handled by the Friend of the Court without motions do not mean that a case is pending for the purposes of this order.
 - f. A juvenile case is "pending" if a final judgment has not yet been entered or if there is occurring in the case any form of review after entry of a final judgment.
 - g. A domestic relations case involves "the family of a child" who is the subject of a juvenile case if the former case is brought by a parent of that child.
 - h. A juvenile case involves the same family as a domestic relations case if the latter case was brought by a parent of the child at issue in the former case.
2. Any domestic relations case which was filed in this Court on or before December 31, 2002, was not pending as of that date and was not previously assigned to a current Family Division Judge, shall be reassigned to a Family Division Judge. Except as otherwise provided elsewhere in this order, all cases ending with the digits 01 through 18 shall be reassigned to Judge Steven Pestka; if the case numbers end with the digits 19 through 36 the case shall be reassigned to Judge Daniel Zemaitis; if the case numbers end with the digits 37 through 52 to Judge Kathleen Feeney; if the case numbers end with the digits 53 through 68 to Judge Patrick Hillary; if the case numbers end with the digits 69 through 84 to Judge Patricia Gardner; and if the case numbers end with the digits 85 through 00 to Judge Nanaruth Carpenter.
3. Except as otherwise provided elsewhere in this order, all domestic relations cases filed in this Court on or after January 1, 2003 are to be assigned to all Family Division Judges by lot.

4. All new child protective cases, not covered by a one family/one judge assignment, filed in this Court on or after January 1, 2003 are to be assigned equally between Judge Daniel Zemaitis and Judge Steven Pestka until such time as determined that all Family Division caseloads are equal. From that point forward all new child protective cases shall be assigned to all Family Division Judges by lot.
5. All new delinquency cases, not covered by a one family/one judge assignment, filed on or after January 1, 2003, are to be assigned by lot among all Family Division Judges.
6. Except as otherwise provided elsewhere in this order, all other new juvenile cases, not covered by a one family/one judge assignment, filed on or after January 1, 2003 are to be assigned to all Family Division Judges by lot.
7. All cases, whenever filed, involving requests for name changes will be reassigned to the Honorable Janet Haynes.
8. In cases where there is no other court having continuing jurisdiction over a minor, the case will be filed with the Probate Court and the Probate Court will determine the issues for that case.
9. In the event that an action is commenced in the Family Division and the Probate Court has original jurisdiction over the minor child, the Family Division will decide and hear issues presented to it in the subsequent actions. Orders issued for the Family Division could modify or terminate the previous order in Probate Court.
10. In cases where the Family Division has continuing jurisdiction, all guardianship proceedings (appointment, modification, and termination) will be heard by the Probate Court.
11. The Family Division will hear third party custody cases where the Probate Court appointed a guardian and the guardian has subsequently filed a petition for custody.
12. The Presiding Judge of the Family Division may make assignments to referees as permitted by MCR 3.215 and by MCR 3.913.
13. All cases which are not within the jurisdiction of the Family Division which are filed in this Court on or after January 1, 2003 shall be assigned by lot to Judges Buth, Johnston, Kolenda, Leiber, Redford and Sullivan.
14. Any judge to whom any case is reassigned by operation of this order may recommend to the Chief Judge of this Court that, for purposes of completing, enforcing and/or following through on some action undertaken in the case by the originally assigned judge, the case be returned to that judge. The Chief Judge may reassign the case.
15. Should any judge named in this order cease to be a judge of this Court or of the Kent County Probate Court, the cases assigned by this order to that judge shall be reassigned to his or her successor upon that person taking office.

This Order supercedes Circuit Court Local Administrative Order 2002-05J and Probate Court Local Administrative Order 2002-04J. This Order shall be effective upon approval of State Court Administrative Office.

/s/ George S. Buth
Hon. George S. Buth
Chief Circuit Court Judge

/s/ Janet Haynes
Hon. Janet Haynes
Chief Probate Court Judge