

**STATE OF MICHIGAN**  
**IN THE CIRCUIT COURT FOR THE COUNTY OF KENT**

**FAMILY COURT PLAN  
FOR THE 17<sup>th</sup> CIRCUIT COURT  
AND THE KENT COUNTY PROBATE COURT**

**LOCAL ADMINISTRATIVE ORDER  
2025-01J, 17<sup>th</sup> Circuit Court  
2025-01J, Kent County Probate Court**

Rescinds Local Administrative Orders:  
2023-01J, 17<sup>th</sup> Circuit Court  
2023-01J, Kent County Probate Court

The undersigned affirm that the information contained in this plan represents the full agreement of the chief judges involved in the development of the plan. This LAO would make the following LAO's no longer in effect: 03-07, 04-14, 05-03, 06-07, 07-05, 08-01, 08-03, 13-01, 16-03, 16-06, and 2017-04.

Date: 1/23/2025 | 1:55 PM EST



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Deborah L. McNabb  
Chief Circuit Court Judge &  
Presiding Judge of the Family Division  
17<sup>th</sup> Circuit Court, Kent County

Date: 1/23/2025 | 5:17 PM EST



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Avery Rose  
Chief Probate Court Judge  
Kent County

## I. Family Division Established

A. As required by, and on the authority of, MCL 600.1011, the Chief Judges of the 17<sup>th</sup> Circuit Court and the Kent County Probate Court do hereby establish the Family Division of the Circuit Court, with jurisdiction as provided by MCL 600.1021.

### B. Assignment of Judges

The following four Circuit and three Probate Judges are assigned to the Family Division: Circuit Judge Deborah L. McNabb, Circuit Judge Alida J. Bryant, Circuit Judge Maureen A. Gottlieb, Circuit Judge Jennifer L. Johnsen, Probate Judge TJ Ackert, Probate Judge Matthew S. DeLange, and Probate Judge Patricia D. Gardner.

The Chief Judge of the Circuit Court shall have the authority and flexibility to determine the duration of a judge's service in the Family Division, consistent with the goal of developing judicial expertise in family law and as workloads may require.

## II. Administration

### A. Authority of Chief Judge

Matters specific to the operation and administration of the Family Division will be decided in the first instance by the Presiding Judge of the Family Division. However, the Chief Judge of the Circuit Court will retain all authority granted by Michigan statutes and court rules, and will have supervisory authority over the administration of the Family Division, exercising that authority in an equitable manner, drawing upon the strengths and expertise of the other judges and the court staff.

As authorized by the Chief Judge Rule, MCR 8.110, and after consultation with the judges serving in the Family Division, the Chief Judge of the Circuit Court shall appoint the Presiding Judge of the Family Division under separate order, for a term to run concurrently with that of the Chief Judge. The Chief Judge may serve as the Presiding Judge of either Division of the Circuit Court.

### B. General Administrative Structure

The Circuit Court as a whole, including the Family Division thereof, shall be administered by the Circuit Court Administrator, under the general supervision of the Chief Judge. The Administrator is responsible for all areas of non-judicial activity, including such things as caseload management, jury management, budget and finance, personnel management, referee oversight, and the Friend of the Court office. In addition, the Administrator will be responsible juvenile detention, juvenile delinquency in-home care programs, juvenile intake and probation, permanency planning and adoptions, personal protection orders, pretrial supervision, and community service programs and the Office of Community Corrections. The Administrator may, with the approval of County government, appoint an appropriate number of deputy administrators to assist with their duties.

The Administrator shall meet regularly with their administrative staff, and the Chief Judge of the Circuit Court, and the Presiding Judge of the Family Division to ensure effective communication and to promote the efficient operation of the Circuit Court.

The Friend of the Court, who is appointed by the Chief Judge of the Circuit Court, will report directly to the Court Administrator, and to the Presiding Judge of the Family Division.

C. Cases Assigned to the Family Division

The judges assigned to the Family Division shall cooperate with the Presiding Judge of the Family Division regarding issues pertaining to the operation and administration of the Family Division, and all Family Division Judges shall report to the Chief Judge of the Circuit Court. Assignment of cases to the Family Division shall comply with MCR 8.111, except as authorized by local administrative order adopted pursuant to MCR 8.112. Disqualification and reassignment of cases will be handled by the Chief Judge of the Circuit Court pursuant to MCR 2.003 and 8.111.

The Family Division Judges will be assigned the following case types: Domestic Relations (DC, DM, DO, DP, DS, DZ, UE, UF, UI, UM, UN), Juvenile Delinquency (DJ, DL, PJ, TL), Neglect Abuse (NA), Adoption (AB, AC, AD, AF, AG, AM, AN, AO, AY), ERPO (ER, EP, EVE, EE, EJ, EZ), Miscellaneous Family (EM, JG, NB, PP, PW, VF, VP) and Minor Guardianship Cases (GM and LG).

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.

The 17th Circuit Court shall accept for filing, process, and hear Petitions for Appointment of Guardian of Minor under MCL 700.5201 et seq., and all other proceedings related thereto, and shall maintain all records in connection with minor guardianship petitions. The 17th Circuit Court shall accept and process any filing fees pertaining to minor guardianships in accordance with MCL 600.880a and MCL 600.880b.

The Probate Court shall accept for filing, process, and hear Petitions for Change of Name under MCL 711.1 et seq., and shall maintain records in connection with the name change petitions. The Probate Court shall accept and process all name change filing fees in accordance with MCL 600.2529.

D. Assignment of Cases

1. All Family Division cases will be assigned to a judge at the time of filing unless otherwise provided by Court Rule, Administrative Order, or direction of the Chief Judge. Family Division cases will be assigned to a Family Division Judge on a random basis pursuant to MCR 8.111, using the One Family One Judge (MCL 600.1023) procedure defined in this order. The cases will be assigned among the Family Division judges based on the percentage of each case type assigned by the Chief Judge.
  - a. The County Clerk will assign using blind draw on domestic relations, ERPO, and minor guardianship cases, which include, DC, DM, DO, DP, DS, DZ, PP, PJ, UD, UE, UI, UF, UN, UM, UT, UW, ER, EP, EV, EE, EJ, EZ, GM and LG case types.

- b. Case Management staff will assign using blind draw for abuse and neglect, adoption, juvenile guardianships, emancipation, voluntary foster care, and parental waiver cases, which include AB, AC, AD, AF, AG, AM, AN, AO, AY, EM, JG, NA, PW, and VF case types.
- c. Juvenile Intake staff will assign using blind draw on juvenile delinquency and juvenile traffic cases, which include DL, DJ, and TL case type codes.

## 2. Domestic Relations Assignment Procedure

- a. New domestic relations, ERPO, and minor guardianship cases (Case Types: DC, DM, DO, DP, DS, DZ, PP, PJ, UD, UE, UI, UF, UN, UM, UT, UW, ER, EP, EVE, EE, EJ, EZ, GM, LG). Whether or not there is a previous involvement with the same family will be determined at the time a new case is initiated through a search of both parties for case history that includes any prior domestic relations (excluding DO and PH cases) and/or parents in juvenile cases.
- b. If a party on the new case is listed as a party on an existing Family Division case that judge will be assigned. If there are multiple judges involved, the judge assigned the most recently filed case will be assigned.
- c. If there is no prior case history, a Family Division Judge assigned that case type will be randomly assigned.
- d. If a judge is determined to have prior involvement and is not allocated the case type for new filings, the case will be assigned to the most recent judge if multiple cases existing, if there are no other judges involved, the case will be randomly assigned.

## 3. Juvenile Case Assignment Procedure

- a. Whether or not there is previous involvement with the same family will be determined at the time a new case is initiated through a search of both parties for case history that includes any prior domestic relations (excluding DO and PH cases) and/or parents in juvenile cases. To be consistent with the court's Family Identification (FID) numbering system, the mother listed on the petition shall determine the FID. If the petition does not provide a mother, the father will be used to create a new FID.
- b. If there is case history with a legal/biological parent, that judge will be assigned. If there are multiple Family Division cases with multiple judges for the legal/biological parent, the judge assigned to the most recently filed case will be assigned.
- c. If there is case history with a party that is not a legal/biological parent that judge will be assigned. If there are multiple Family Division cases with multiple judges for this party, the judge assigned to the most recently filed case will be assigned.
- d. If there is no prior case history, a Family Division Judge assigned that case type will be randomly assigned.

- e. If a judge is determined to have prior involvement and is not allocated the case type for new filings, the case will be assigned to the most recent judge if multiple cases existing, if there are no other judges involved, the case will be randomly assigned.

4. PPO Cases (Case Types PP and PJ):

- a. For PP and PJ cases, whether or not there is previous involvement with the same family will be determined at the time a new case is initiated through a search of both parties for case history that includes any prior domestic relations (excluding DO and PH cases) and/or parents in juvenile cases.
  - i. If there is an existing PP or PJ case with the same petitioner and respondent as the new filing, that judge will be assigned. If there are multiple Family Division cases with multiple judges, the judge assigned the most recently filed case will be assigned.
  - ii. If there is an existing juvenile or domestic case involving either party that judge will be assigned. If there are multiple case with multiple judges, the judge assigned the most recently filed case will be assigned.
  - iii. If there is no prior case history, a Family Division judge assigned those case types will be randomly assigned.
  - iv. If a judge is determined to have prior involvement and is not allocated the case type for new filings, the case will be assigned to the most recent judge if multiple cases existing, if there are no other judges involved, the case will be randomly assigned.
- b. If a petition is filing multiple petitions the same judge determined using the procedure above will be assigned to all petitions filed at that time.

5. Divorces Without Minor Children (Case Type DO)

- a. Prior involvement will be searched at the time of case initiation. If there is a previous DO case with the parties that judge will be assigned. If there are multiple DO cases with multiple judges, the judge on the most recent case will assigned to the new case.
- b. If there is no prior case history, a Family Division judge assigned those case types will be randomly assigned.
- c. If a judge assigned an existing DO case, no longer is assigned that case type the successor judge will be assigned. If there is no successor, a judge will be randomly assigned.

6. Reassignment

- a. If, after assignment, the judge assigned to the case determines that the case should have been assigned to another judge by virtue of this procedure, the judge assigned to the case shall prepare and submit an order of reassignment, setting forth the specific reason for said reassignment, to the Chief Judge for signature.
- b. Disqualifications will first be handled as described under MCR 8.111(C)(1). Cases must be reassigned first with the court’s Family Division, then within the remaining bench, and finally by SCAO assignment.

**E. Judicial Coverage**

- a. When participating in a conference or at a meeting, each judge shall sign their own PPO and pick-up orders, as well as signing all other routine orders.
  - i. When there is a request for a pick up order, each judge’s staff shall immediately notify the affected judge by text (or other urgent method as determined by the judge) to inform them there is an emergency NA or DL order in their signing queue. Exceptions may be made when the judge is a conference speaker or is chairing a meeting by making advance arrangements with another judge to cover during the affected time slot.
  - ii. PPO petitions may be signed at each judge’s convenience, so long as they are signed within the required 24 hours of filing. All other orders, including domestic ex parte orders and motions for OTSC, may be signed at the assigned judge’s convenience.
- b. For vacations and short-term medical leave coverage for PPO’s, pick-up orders, ex parte and other urgent orders will be provided as provided below, with advance notice to the covering judge, if it is a planned absence. Advance notice is not required for unplanned medical or other emergency leave. All other orders may be signed at the absent judge’s convenience. A visiting judge may be appointed to cover longer term absences.

<b>Assigned Judge</b>	<b>First Coverage</b>	<b>Second Coverage</b>	<b>Third Coverage</b>
Ackert	DeLange	Gardner	Johnsen
Bryant	Gottlieb	Ackert	McNabb
Delange	McNabb	Johnsen	Gardner
Gardner	Johnsen	Ackert	DeLange
Gottlieb	Bryant	McNabb	Ackert
Johnsen	Gardner	DeLange	McNabb
McNabb	Ackert	Bryant	Gottlieb

If none of the 4 Judges assigned to a rotation are available, the document will be sent to the Presiding Judge of the Family Division. If the Presiding Judge is not available, she or he shall have an agreed-upon person to act as Presiding Judge. The assumed successor to act as Presiding Judge is the preceding Presiding Judge.

#### F. After Hours Plan

It is expected that any attorney or other person seeking extraordinary or emergency judicial relief of any kind will do so during the normal and customary business hours of the court, if, given the circumstances then existing, such relief need be sought at some other time in matters under the jurisdiction of the Family Division, the jurist from whom such relief should be sought shall be determined as follows:

1. A bona-fide effort should be made to contact the assigned judge for a decision.
2. If for whatever reason the assigned judge is unavailable, or if no judge has been assigned, or if the judge cannot be reasonably determined, the Presiding Judge of the Family Division shall be contacted for a decision.
3. If for any reason the Presiding Judge is unavailable, then any judge of the Family Division can be contacted for a decision.
4. If, for whatever reason all Family Division judges are unavailable, then the Chief Judge of the Circuit Court shall be contacted for a decision.
5. Before presenting any petition for emergency relief, the attorney or person seeking such relief shall inform the judge whether another judge previously has been consulted. If another judge has been contacted, a subsequent judge shall decline to act upon said matter, absent extremely emergency or extremely compelling reasons.
6. No judge contacted for such relief shall be assigned to then preside over the case in question unless he or she is determined to be the assigned judge in the customary manner. This provision for emergency contact does not impact the one judge/one family section of this order.
7. Judicial contact, unless indicated otherwise by the judge(s) involved shall be through the dispatch center of the Kent County Correctional Facility.

#### III. Family Division Referees

The Family Division shall make full use of referees to the extent authorized by statute and court rule. To the extent practicable, first contact with domestic relations cases (e.g., setting of temporary support, custody, parenting time, etc.) will be with a judge, but once orders are set, referees are authorized to modify or enforce them. Assignment of cases to referees will be pursuant to MCR 3.215 and MCR 3.913. Specific duties of referees will include, but not be limited to:

- Settlements on the record
- Modification and enforcement of custody, parenting time, and support.
- Hearings on change of domicile
- Trials
- Hearing testimony and recommending judgments of divorce be entered
- Scheduling conference
- Settlement conferences

- Parenting time or other civil order to show cause hearings
- Assessment of attorney fees and sanctions on motions
- Paternity cases
- Spousal support determinations upon stipulation of the parties
- Emancipation of minors
- Personal protection order objections
- Select pre-judgment Family Division motions
- Any other motion referred to the referee by the circuit court judge
- Administrative assistance as requested by the Chief Judge, Presiding Judge, or Court Administrator
- Any juvenile code hearings other than jury trials or waiver proceedings, preliminary examinations, or sentencings in a designated case

The Circuit Court attorney referees, who are appointed by the Chief Judge of the Circuit Court, will report directly to the Court Administrator and the Presiding Judge of the Family Division.

#### IV. Records Management and Facilities

##### A. Court Files

As provided by court rules, there shall be two files in child protective and juvenile delinquency cases. The legal file is open to inspection for those who are determined to have a legitimate interest in the case. The confidential file (also known as the social file) is open only to those determined by the court to have a legitimate interest in the material contained therein. The confidential (social) files in pending child protective and juvenile delinquency cases, which are utilized frequently by the judges, their judicial clerks, and juvenile probation officers.

##### B. Role of the County Clerk

In accordance with Const 1963, art 6, sec 14, and MCL 600.571 and MCL 600.1007, the County Clerk will have the care and custody of the records for the Circuit Court, including those of the Family Division, as the Chief Judge shall direct. The County Clerk shall take all steps necessary to ensure that staff are properly trained, court records are correctly maintained and made accessible to judges, attorneys, and members of the public, and that confidential records are protected from disclosure.

All documents, and access to appropriate court records and information, will be at the Circuit Court Clerk's Office, suite 2400, Kent County Courthouse, 180 Ottawa Avenue, N.W., Grand Rapids, Michigan.

#### V. Youth Detention Facility

The operation and administration of the Kent County Juvenile Court's Youth Detention Facility will be the responsibility of the Family Division under agreement of the Chief Judge and the Kent County Board of Commissioners. The Superintendent of Detention is designated as the manager of the facility. The Superintendent will report directly to the Court Administrator and the Presiding Judge of the Family Division. All administrative functions of the facility, under the direction of the Court Administrator, will be the



responsibility of the facility manager. These functions include all fiscal responsibilities such as budget preparation and monitoring, staffing and personnel issues, policy and procedures, and all other operational aspects of the facility that ensure the safety and security of the staff and residents. All fiscal, statistical, and other operational information will be reported to the State of Michigan and/or County of Kent (and any other entities, as required) as previously was reported to these entities and as required by applicable rules and regulations.

#### VI. Dynamic Document

This Plan replaces all prior Plans approved for the operation of the Family Division. All parties associated with the implementation of this Plan recognize that it is a “dynamic” document and as such it will be annually reviewed, and revised as may be necessary, by the Chief Judge of the Circuit Court and the Chief Judge of the Probate Court, in consultation with the Presiding Judge of the Family Division.