

Family Court Plans in Michigan

A Comparison of a Local

And Statewide

Plan

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Abstract

The Michigan Legislature first required a Family Division Plan as an operational aspect of Michigan Courts when Public Act No. 388 (1996) was passed. This legislation revised various acts that govern the organization, jurisdiction, powers and duties of the Michigan Courts. The State Court Administrator's Office (SCAO), the administrative arm of the Michigan Supreme Court, issued Orders to the trial courts requiring the development of a Family Division Plan. Midland County Trial Courts developed such a plan. Now the time has come to evaluate the Midland County plan and determine if other models that have been used in Michigan should be considered and to formulate recommendations for the local judiciary.

This research project focuses on the steps taken by Midland County in the creation of two family division plans. It considers the issues that resulted in substantial modifications to Midland County's first Family Division Plan, including the elimination of the one family - one judge concept. Recently, the Michigan Supreme Court ordered all courts to update their family division plans. Significant changes have occurred in Midland County after the development of the earlier plan, including the appointment of a Trial Court Administrator. One aspect of the new position is the goal of looking for efficiency within the Trial Courts. Certainly the Family Division Plan is an important item to examine. It is important to understand why the earlier plan did not succeed. It is important to

determine whether the current plan is serving the needs of the public. We should consider the efficacy of the one family – one judge model and study the successes of other courts.

Two distinct survey instruments were developed to evaluate the current plan and to identify areas of improvement for subsequent plans. A “local” survey was used to garner the input of all members of the Midland County Bar, including the judiciary. Survey questions were designed to identify knowledge of the plan and to determine the levels of satisfaction with the current plan. A “statewide” survey was used to assess the successes and failures of other courts across the state. While all Michigan Courts were required to embark on this task at the same time, very little guidance was provided by the legislature as to the course to follow. This has resulted in significantly different plans with various levels of success. An important part of evaluating the Midland County Plan is considering the efforts of other counties.

This report includes a comprehensive examination of literature that provides a national perspective to the questions presented. The literature examines the advantages and disadvantages of various family division plans. From this material it is possible to develop a best-case scenario in which a family division plan would be quite beneficial, as well as identifying circumstances that would make it less desirable. For this reason, the two survey instruments were critical. The survey instruments have provided valuable feedback as to the local aspects of the Midland County Plan while considering the statewide successes and failures of other plans. Based upon responses from the local

judiciary, it is fair to conclude that they do not see a reason to change the current plan. Cases are being processed efficiently and there does not appear to be any large volume of complaints from the public or bar. However, a comprehensive examination of the current plan has not yet occurred. This research will serve that purpose and formulate a recommendation to the judiciary based on input from other sources.

Recommendations, which have resulted from this study, are best considered from two different perspectives. The clear result from the local survey, which included the judiciary, members of the bar and court employees, is that moving to a one family – one judge model of family court is not going to be well received. A review of the national perspective, contained within the literature review, would support moving to this model. However, that must be tempered given the local responses. Across the State of Michigan, the responses were very much in favor of a one family – one judge model. Few of the respondents were willing to identify serious negative consequences from using that system. Further, they were not hampered by economic concern, as there was a large response rate from smaller as well as larger jurisdictions.

There is value in considering modifications to any family division plan. The process that was completed here will be a building block for the future. However, it appears at this time that the family division plan of Midland County should not be revised a third time.

Introduction

All Circuit Courts in Michigan were required by legislation to develop a Family Division Plan in 1996.¹ In Midland County the plan was filed with the State Court Administrator's Office (SCAO) on July 1, 1997, with an operational date of January 1, 1998. After working with the initial plan, a decision was issued on September 22, 1998 to "delete the provision which assigns family cases to the judge which has already been assigned a pending family division case." As stated in the same memorandum, "this decision is not made lightly." On August 6, 1999, a plan was filed with the SCAO that removed the one family - one judge concept from Midland County's local plan.

The revised plan, as noted by Judge Thomas L. Ludington, continued to maintain "the lofty goals of the initial plan for greater collaboration in facilities and records management and information services." This plan became the model for Midland County regarding the family division. However, the judges of Midland County remain positive and progressive. A new opportunity, known as the Next Generation Process, allowed the judiciary to seek a grant from the Michigan Supreme Court to examine many aspects of court operation. The grant facilitated a "bottom - up" review of the courts by which employees were empowered to make recommendations on case management, security, public relations, working conditions and court operations. The working groups formulated recommendations, some of which were adopted by the judiciary. One recommendation included the hiring of a Trial Court Administrator. The administrator is charged with many responsibilities, including examining the court system to improve

¹ 1996 Public Act 388

efficiencies and engaging in planning to improve the system. The position of Trial Court Administrator did not exist at the time of the early family division plan.

The statute that created the family plan requirement was modified by the legislature in 2002.² Courts were again directed to look at their family plans and submit an updated plan by July 1, 2003. The Michigan Supreme Court issued an Administrative Order outlining the requirements of the new plan,³ and Midland County complied and issued an Order Adopting Family Court Plan on June 30, 2003.⁴ A Case Assignment Order was created which, notably, did not implement the concept of one family - one judge.⁵ The plan continues the laudable goal of channeling the expertise of the various judges into subject matters where they can well serve the community.

The judiciary of Midland County has a well-earned reputation for progressive and open thinking. They were willing to consider various methods of family division plans. The questions presented by this paper include whether or not the current plan is the best plan for this community. To test this question, a local survey instrument was developed to seek input from various stakeholders. It was designed to gauge the level of understanding about the current plan as well as to evaluate the openness of the community to modifications of the plan, including the one family - one judge concept. The questionnaire was submitted to the local bar, judiciary and court employees. As

² 2002 Public Act 682

³ Michigan Supreme Court Administrative Order 2003-2

⁴ 42nd Circuit Court Administrative Order 2003 – 02 and Midland County Probate Court Administrative Order 2003 – 01

⁵ 42nd Circuit Court Administrative Order 2003 – 03 and Midland County Probate Court Administrative Order 2003 – 02

stated above, the one family - one judge concept was included in the original plan. Operational issues, as well as facility issues, may have contributed to the lack of success for the original plan. The research conducted for this project will attempt to determine this issue by asking current users their views of the local plan.

Due to the legislative mandates and orders from the Michigan Supreme Court, other court systems have explored, tested and implemented family division plans. Again with the intent to evaluate the Midland County family plan a survey instrument was developed to learn from these courts. With the help of the State Court Administrator's Office, this survey was electronically submitted to all of the family court judges and court administrators across the State of Michigan. This information, along with the results from Midland County, will be considered in formulating recommendations to the local judiciary.

A large body of research exists regarding the theories of family division plans across the country. A significant section of this paper involves a literature review designed to provide a larger framework for the research, and to address the goals of a plan, beyond the Michigan legislative mandate. Many jurisdictions have created many variations of family division plans, and there often exists a common element between them. One goal of the literature review will be to utilize the lessons of others to support any recommendations to the local judiciary.

Midland County, Michigan, is located in the center of Michigan's Lower Peninsula. It is North of the major metropolitan areas, yet it is not considered as rural as the Upper Peninsula or other northern counties. The 2000 countywide population is 82,874 of which 41,685 reside in the City of Midland.⁶ The self-described "Community of Modern Explorers" includes a mixture of industry, business and farming communities.⁷ The local judiciary is comprised of five judges, including two Circuit judges, two District judges and one Probate judge. Midland County is very fortunate in that the areas that comprise the Circuit Court, District Court and Probate Court jurisdiction, coincide with the geographic boundary of the County of Midland. Therefore, the courts must respond to only one funding unit.

In Michigan, Circuit courts traditionally have jurisdiction over criminal felonies and civil matters in which damages of more than \$25,000.00 are claimed. This court has also been the traditional venue for domestic matters such as divorce and child custody. The District courts traditionally have jurisdiction over criminal misdemeanors and civil matters in which damages of less than \$25,000.00 are claimed. Traffic and small claims matters are also heard in the District Court. The jurisdiction of the Probate Court consists of wills, estates, trusts, guardianships and mental health proceedings.

Prior to the implementation of a family division plan, the Probate Court maintained jurisdictional responsibility for child abuse and neglect as well as juvenile delinquency. Personal Protection Orders were within the jurisdiction of the Circuit Court.

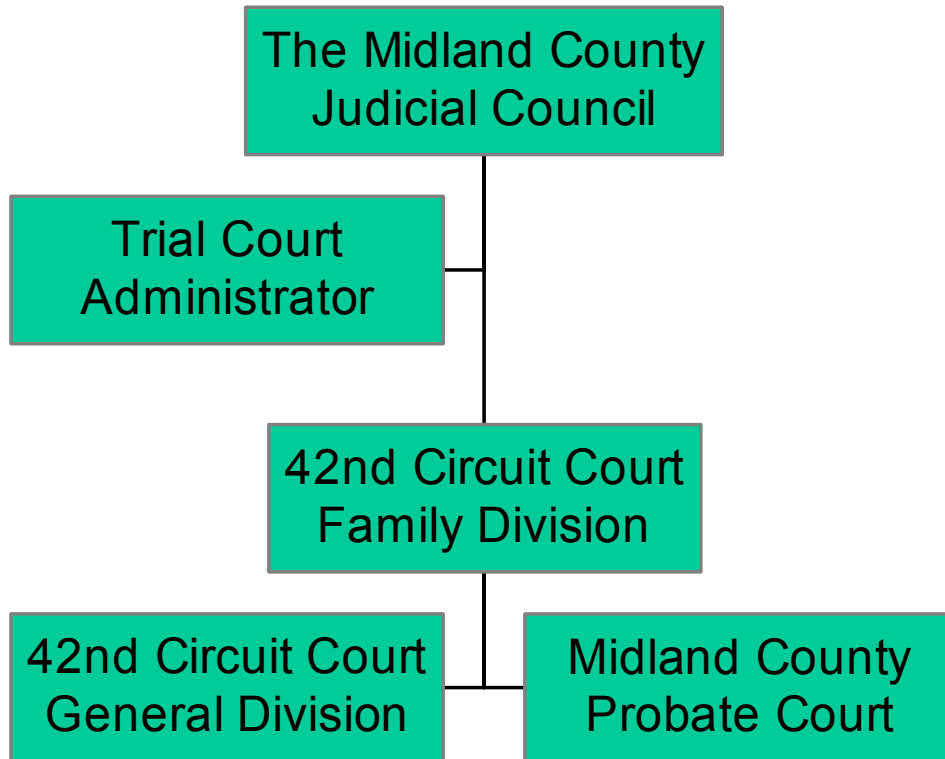
⁶ 2000 United States Census

⁷ Source: Midland County Convention & Visitors Bureau

It is important to note that, for purposes of this paper and when viewing the Midland County family division plan, that while some plans call for the complete integration of the circuit, district and probate courts, the scope of this paper is limited to the family division involving the 42nd Circuit Court and those functions of the Midland County Probate Court which are included in the family division plan.

When the initial Midland County family division plan was created in 1997, many traditional functions and the type of cases usually heard remained the same for the incumbent judges. A modification occurred to the title of the Probate Judge, who now included in her title, 42nd Circuit Court Family Division Judge. With the notable exception of certain post judgment divorce actions, the Midland County family division plans centered on the judges of the Circuit and Probate Courts. District Court continued in its traditional roles although one judge became very involved in the post judgment divorce and child custody proceedings.

The organizational chart for the 42nd Circuit Court Family Division, in relation to the 42nd Circuit Court General Division and Midland County Probate Court is as follows:



When the family division plans were created in Midland County, an important consideration involved the actual courthouse, which was constructed in 1926. The space, design, communication and technical capabilities of the facility presented an obstacle to the family division plans. Few of these problems were resolved during the last major renovation that occurred in 1990.

The Courthouse is a designated historic landmark that provides great beauty to Downtown Midland despite the lacking of functionality. Designed by local architect Herbert Henry Dow (of the Dow Chemical Company family), it is the anchor that ends the business district on Main Street. The façade of the building includes historical murals describing the traditions of the community bordered by massive stonework.



The Midland County Courthouse upon Opening

In 1926.

(The exterior, on Main Street, remains the same today)

The beauty of the facility, however, is overshadowed for those of us who work here by the design constraints and space concerns. When the courthouse was built, such issues as secure prisoner transportation, holding cells and jury pool areas were not considered. Further, the space allocated to the courts is approximately 25 percent below that which would be considered minimum by 2001 standards. Projections into the future provide an

even darker forecast.⁸ The counties population is expected to grow to 85,300 in 2005 and 93,400 in 2025.⁹ These figures, along with an increasing case load and need for ancillary staff, are rapidly expanding from the current need of 23,191 net square feet to 47,353 net square feet by 2025.¹⁰ These issues have a direct impact on the need for continual planning. With limited resources, the courts must address the issues of computerization, file storage and records retention as well as placement of employees.

While the courts are fortunate to be located in one building, psychological divisions occur as a result of their location within the building. Many of these issues apply to the public as well as employees because the public must visit the particular physical area served by a court to conduct their business. A central access payment point would allow employee teambuilding and cross training while improving efficiency for the public. For example, to pay a traffic ticket, a citizen visits the district court on level one while another, in need of a personal protection order (PPO), must visit the circuit court. Recently, the many various entrances into the facility were closed to create one central weapons screening location. This area is located on E Level, designated for entry and exit. This change has reduced available parking while also reducing access to the facility.

⁸ Source: Spillas/Candella, Midland County Court House Security and Space Needs Analysis by Ken Jandura (2002)

⁹ Population projections provided by Michigan Department of Management and Budget

¹⁰ Source: Spillas/Candella, Midland County Court House Security and Space Needs Analysis by Ken Jandura (2002)

The 75th District Court is located on Level 1. At one time, a door to Main Street provided direct access to this court; however that access has been eliminated due to increased security concerns. All public and employees use one common entrance located two floors below.

The 42nd Circuit Court is located on Level 2. A clerk's office here receives all family division pleadings relating to divorce, child support and custody as well as adult felony criminal matters. Files for these matters are maintained in a vault on this level.

An additional factor complicating communications between these courts centers on the case management system. The State of Michigan Supreme Court supports a program known as J.I.S. or Judicial Information System. This program tracks all cases in the court, provides reports relating to case flow, tracks financial matters for reporting to the funding unit and State of Michigan and provides a basic calendaring system. Administratively, the programmers who work for J.I.S. are assigned to separate units based upon the courts that they support. Unfortunately, this has resulted in programmers developing different program versions for the courts. Thus the screens and codes developed for the circuit system are significantly different than that of district and again that of probate. While the Supreme Court supports the family court concept, the case management system continues on three separate paths. As juvenile matters were originally placed by statute with the probate court, those programmers continue to develop probate and juvenile systems that are different than the circuit court system.

Local and statewide attempts have been made to resolve this situation. Due to funding issues with the State of Michigan, it appears unlikely that a statewide solution will be created in the foreseeable future. Ongoing training for employees to address these differences has created some success. The long-term success of the family division will be impacted by this communication problem.

Stepping back for a moment, however, while keeping the geographic and information systems in mind, it is critical for the Midland County Courts to evaluate the family division plan and take steps to insure that it remains viable. This is not only due to the legislative and judicial mandates of the Michigan Supreme Court. This is a small court system comprised of five judges, three of whom work on family division issues. They impact the lives of the families who come before them daily. Effective and ongoing communication is critical to this community. While the specific aspects of the program should be debated and considered, a complete review and examination not only addresses the planning needs of the courts but it also addresses the intent of the Michigan Supreme Court which is to provide an effective, efficient judicial system to serve our community.

The goal of this project, therefore, includes examining the Midland County family division plan from a local, state and national perspective. As stated earlier, the research will determine what aspect of the plan serve the community best. By considering the statewide survey, the research will determine if there are any advantages to modifying the current plan, always keeping in mind the disadvantages discussed earlier. Other jurisdictions have taken different approaches to solving these problems in Michigan. The

research provides an opportunity to learn if these approaches could work for Midland County. Lastly, considering the information available from across the United States, the research and literature review will provide information that can assist the local judiciary in evaluating the current family division plans.

These goals will be measured by comprehensively examining the literature and survey results from the local community and State of Michigan. Locally, it is interesting to consider the number of stakeholders who lack a comprehensive understanding of the current plan. However, of that group, it is interesting to note the number of individuals who support modification to the Midland County family division plan. Michigan is a very diverse state, ranging from metropolitan to rural communities. All of Michigan's 63 circuits have been required by the legislature and the Michigan Supreme Court to implement a family division plan. The survey instrument sent to these circuits asks about the issues that arose with their family division plans. Case assignment methods, including one family - one judge have been addressed. This provides a balance and a method to look at the successes and failures of this concept when applied statewide, which will assist in the formulation of recommendations to the Midland County judiciary.

This project will continue with a review of the relevant literature on the subject of family court plans. This will begin with a review of the relevant statutes and Michigan Supreme Court Orders. When viewed in conjunction with the Michigan Constitution, the statutes provide the basis that authorizes and, in fact requires, Michigan courts to develop and implement family division plans. Many jurisdictions have developed what they consider

to be the critical elements of a family court. These will be considered with analysis of their applicability to the Midland County family division plan. A considerable amount of literature addresses the benefits of family courts. While Midland is already committed to a family court by legislative mandate, it is helpful to consider why others view this system as a positive benefit for their communities.

The methodology used with this project included soliciting input from various stakeholders by means of a survey instrument. This survey was provided via the Internet to every circuit in the State of Michigan. The Midland County Local Survey was sent to all registered members of the county bar, which includes private attorneys, government attorneys and corporate attorneys as well as to Midland County Courthouse employees. The largest sample group, comprised of attorneys, contained 172 individuals. The sample group of Courthouse employees contained 54 individuals.

For identification purposes, the survey instrument asked the respondent to state if they were a private attorney, corporate attorney, government attorney, court employee or other (with a space provided for a free form answer.) Identification of the respondent was viewed as important as a theory of the author included the possibility that those members of the sample group that did not regularly work in the courthouse may lack knowledge of the Midland County family division plan. Furthermore, it was felt that it would be enlightening to determine the willingness of that subgroup to consider changes to the Midland County family division plan.

Accurate identification proved difficult in that some individuals fairly characterized themselves as being members of more than one group. Consider, for example, the five responses marked as government attorneys. These responses were received from members of the prosecuting attorneys office. As such, they could have been identified as part of the court employee group as they work within the courthouse.

The five responses from the government attorneys represented a response rate of 71percent. Thirty-four responses were received from private attorneys while twenty-one responses were received from corporate attorneys. This resulted in an overall response rate for attorneys of 35 percent. Seventeen responses were received from court employees that resulted in a response rate of 31 percent. Six responses were coded as other. This group was comprised of judges, both active and retired. Of the active Midland County judiciary, four responded resulting in a response rate of 80 percent. Cumulatively, considering all of the surveys released to the group, the response rate was 37 percent.

The Michigan Statewide Survey was sent to Court Administrators and Judges within each of Michigan's Circuit Courts. The Administrative Services Division of the Michigan Supreme Court distributed this survey instrument electronically. The electronic A.S.D. mail is sent each Friday allowing for rapid delivery of the survey instrument. Forty-nine (49) responses were received from across the State of Michigan. There was some duplication in responding circuits as in some cases both the presiding family court judge and the court administrator responded. Michigan is comprised of sixty-three (63) circuits

and responses were received from forty-two (42) of the circuits resulting in a response rate of sixty-seven (67) percent.

The information generated from the literature review and surveys, has been used to formulate recommendations to the local judiciary and form the conclusion of this project. As has been stated, the Midland County courts are progressive and willing to look at issues that improve their ability to serve the community. The legislature and Michigan Supreme Court have mandated implementation of a family division plan. The goal of this project, consistent with the philosophy of the judiciary, is to insure that the best possible plan is working in Midland County.

Literature Review

“The judicial power of the state is vested exclusively in one court of justice...”¹¹

A review of the family court concept as applied in Michigan must begin with consideration of the State’s Constitution. This document codifies the authority of the Michigan courts, including trial courts, court of appeal and the Michigan Supreme Court. The Michigan legislature, in 1996, amended the Michigan Judicature Act¹² to allow, and in fact require, family courts to operate in Michigan.

The amendments to the law were short and simple and their application in each circuit proved to be the true test. The first item of business for the legislature was creating the family division. “The family division of circuit court is created as a division of circuit court and is organized pursuant to this chapter.”¹³ Each circuit in Michigan was required by legislative act to have a family division of the circuit court.¹⁴ The judges were then placed on equal footing with their contemporaries in circuit court as the legislature stated, “a judge of the family division of circuit court has the same power and authority as a judge of the circuit court.”¹⁵

¹¹ Michigan Constitution, Article VI, Section 3

¹² MCLA 600.151b et seq

¹³ MCLA 600.1001

¹⁴ MCLA 600.1003

¹⁵ MCLA 600.1005

As mentioned previously, the Michigan Probate Court was the traditional venue for juvenile delinquency, abuse and neglect of children and adoption as well as estates, guardianships and related issues. These are all matters that have traditionally been the jurisdiction found in a family court setting. The legislature placed these matters into the family court without amending the entire probate code by stating, “a reference to the former juvenile division of probate court in any statute of this state shall be construed to be a reference to the family division of circuit court.”¹⁶

Operational plans for each circuit were required and must have been completed by July 1, 1997. “The chief circuit judge and the chief probate judge or judges shall enter into an agreement that establishes a plan for how the family division will be operated in that circuit and how the services of the agencies listed in section 1043 [MCLA 600.1043] will be coordinated in order to promote more efficient and effective services to families and individuals.”¹⁷ Should a circuit choose to not develop such a plan, the result would be that, “the supreme court shall develop and implement the plan for that judicial circuit.”¹⁸ This actually occurred in at least one Michigan circuit where the circuit and probate judges could not agree on a plan. The result was that the State Court Administrator’s Office did, in fact, implement a plan. Once implemented, that circuit did have an opportunity to work with the State Court Administrator’s Office to modify the plan to make it more palatable to the judges and community.

¹⁶ MCLA 600.1009

¹⁷ MCLA 600.1011(1)

¹⁸ MCLA 600.1011(2)

Otherwise, the mechanisms known as “local plans” were in the control of each circuit (subject to approval by the Michigan Supreme Court) and the legislature specified the type of cases to be included in the family division. Generally, they included cases of divorce, adoption, cases involving certain children incapable of adoption, name changes, juvenile abuse, neglect and delinquency. Within delinquency, the legislature included “status” juvenile offenses, e.g. those offenses that apply only to youth due to their status as minors. In addition, the legislature included the emancipation of minors, cases of child custody, cases involving paternity and child support, cases involving parental consent for abortions as well as cases involving personal protection orders, guardianships, conservatorships and cases involving the mentally ill.¹⁹

¹⁹ “Except as otherwise provided by law, the family division of circuit court has sole and exclusive jurisdiction over the following cases commenced on or after January 1, 1998:

- (a) Cases of divorce and ancillary matters as set forth in the following statutes:
 - i. Chapter 84 of the Revised Statutes of 1846, being section 552.1 to 552.45 of the Michigan Compiled Laws.
 - ii. Act No. 259 of the Public Acts of 1909, being sections 552.101 to 552.104 of the Michigan Compiled Laws.
 - iii. Act No. 52 of the Public Acts of 1911, being sections 552.101 to 552.123 of the Michigan Compiled Laws.
 - iv. Act No. 379 of the Public Acts of 1913, being sections 552.151 to 552.155 of the Michigan Compiled Laws.
 - v. The friend of the court act, Act No. 294 of the Public Acts of 1982, being sections 552.501 to 552.535 of the Michigan Compiled Laws.
 - vi. Act No. 299 of the Public Acts of 1905, being section 552.397 of the Michigan Compiled Laws.
 - vii. Act No. 42 of the Public Acts of 1949, being sections 552.401 to 552.402 of the Michigan Compiled Laws.
 - viii. Act No. 138 of the Public Acts of 1966, being sections 552.451 to 552.459 of the Michigan Compiled Laws.
 - ix. The support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.
 - x. The interstate income withholding act, Act No. 216 of the Public Acts of 1985, being sections 552.601 to 552.685 of the Michigan Compiled Laws.
- (b) Cases of adoption as provided in Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.1 to 710.70 of the Michigan Compiled Laws.
- (c) Cases involving certain children incapable of adoption under Act No. 271 of the Public Acts of 1939, being sections 722.531 to 722.534 of the Michigan Compiled Laws.
- (d) Cases involving a change of name as provided in chapter XI of Act No. 288 of the Public Acts of 1939, being sections 711.1 to 711.2 of the Michigan Compiled Laws.

With jurisdiction established, the legislation created the test for when a case shall be assigned to the same judge. “When 2 or more matters within the jurisdiction of the family division of the circuit court involving members of the same family are pending in the same judicial circuit, those matters, *whenever practicable*, shall be assigned to the judge to whom the first such case was assigned.”²⁰ The legislature provided considerable detail as to the jurisdiction of the family division. The operations of this section were left to the individual circuits to develop with their family division plans. Of note, the legislature left open the definition for the term “pending” as well as “family.” Jurisdictions have struggled with these operational concepts. An example of these struggles would include the issue of when an action is pending. If a divorce action has reached the point of final judgment, yet issues of custody continue to return to the court, some jurisdictions view the action as pending while others do not. Concepts, clear in

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- (e) Cases involving juveniles as provided in chapter XHIA of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.31 of the Michigan Compiled Laws.
 - (f) Cases involving the status of minors and the emancipation of minors under Act No. 293 of the Public Acts of 1968, being sections 722.1 to 722.6 of the Michigan Compiled Laws.
 - (g) Cases of child custody under the child custody act of 1970, Act No. 91 of the Public Acts of 1970, being sections 722.21 to 722.29 of the Michigan Compiled Laws, and child custody jurisdiction as provided in sections 651 to 673.
 - (h) Cases involving paternity and child support under the paternity act, Act No. 205 of the Public Acts of 1956, being sections 722.711 to 722.730 of the Michigan Compiled Laws.
 - (i) Cases involving parental consent for abortions performed on unemancipated minors under Act No. 211 of the Public Acts of 1990, being sections 722.901 to 722.909 of the Michigan Compiled Laws.
 - (j) Cases involving child support under the revised uniform reciprocal enforcement of support act, Act No. 8 of the Public Acts of 1952, being sections 780.151 to 780.183 of the Michigan Compiled Laws.
 - (k) Cases involving personal protection orders under sections 2950 and 2950a.
- (2) The family division of circuit court has ancillary jurisdiction over the following cases commenced on or after January 1, 1998:
- (a) Cases involving guardians and conservators as provided in sections 401 to 499 of the revised probate code, Act No. 642 of the Public Acts of 1978, being sections 700.401 to 700.499 of the Michigan Compiled Laws.
 - (b) Cases involving treatment of, or guardianship of, mentally ill or developmentally disabled persons under the mental health code, Act No. 258 of the Public Acts of 1974, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws.” MCLA 600.1020

²⁰ MCLA 600.1023(1) [emphasis added]

theory yet difficult in application, also apply in such matters as juvenile delinquency. For example, we can examine the issue of a child who appears in court charged with a serious felony. While awaiting a trial, perhaps by a jury, one of the child's parents files for divorce while another individual, perhaps an uncle, commences an action for a personal protection order against one of the parents. Sorting out the family in such a case presents considerable difficulties.

To help address these issues, in 1997 the Michigan Supreme Court ordered that all circuits consider these types of issues while developing their family court plans by seeking input from as diverse a group of stakeholders as possible. "In developing the plans, chief circuit and probate judges shall seek the input of all judges of the circuit and probate court, staff of the circuit and probate courts, and other entities providing service to families within that jurisdiction, or who will be affected by the operation of the family division."²¹

The Michigan Supreme Court again considered this issue as well as improved efficiencies when 2002 legislation required amended plans.²² The intent was summarized to require that "the plan shall describe how the family division of the circuit court will operate in that circuit and how to coordinate and promote that which the Legislature has described as 'more efficient and effective services to families and individuals.'"²³ This is clearly a bold and comprehensive goal for each family division plan. To determine if a plan can meet this goal, whether or not a plan creates a more efficient and effective service for

²¹ Michigan Supreme Court Administrative Order 1997-1

²² 2002 PA 682 (amending MCLA 600.1011)

²³ Michigan Supreme Court Administrative Order 2003-2

families, it is necessary to establish a base line. It is necessary to consider the methods used by the trial courts.

A comprehensive study was performed by Thomas A. Henderson with a grant from the National Institute of Justice. The results of the study presented materials relating to the adjudicatory processes of various trial courts.²⁴ “Trial courts were seen as using three distinct adjudicatory processes: *procedural adjudication* (the judge as referee in an adversary system); *decisional adjudication* (the judge as an active, rapid, high-volume decision maker in proceedings where parties are often unrepresented); and *diagnostic adjudication* (the judge as problem solver).”²⁵ In Michigan and, in fact, in Midland County, the probate court has traditionally served as a problem solving court when performing its juvenile functions. The circuit court, when performing divorce and child custody actions, often is viewed as a procedural adjudication court.

“If these adjudicatory processes were more a product of the tasks judges were called upon to perform – rather than a product of trial court structure – they could be expected to persist whether a trial court was consolidated into a single level or remained a two-level structure and whether the court was specialized or not.” It was noted that, “by eliminating a limited jurisdiction trial court, a state will not automatically convert its trial court processes into the procedural adjudication model that has traditionally been associated with superior courts. Rather, it is more likely to place within the single level

²⁴ The Significance of Judicial Structure: The Effect of Unification on Trial Court Operations , by Henderson et al., (Washington, D.C., National Institute of Justice, 1984)

²⁵ Trial Court Consolidation – Michigan in Context by Carl Baar. *Judicature* Vol. 85 No. 3 (November-December 2001), page 136

trial court a large volume of cases that are typically and often most effectively dealt with through decisional adjudication.”²⁶

The reality of what occurred in various jurisdictions is consistent with a concern that exists in Midland County. “In Illinois and South Dakota (as in the District of Columbia), a new class of subordinate judicial officers had developed, often to assist the general jurisdiction judges with the more routine cases that had traditionally been handled in limited jurisdiction trial courts. In a sense, the old two-level system had been reproduced within a single court structure.”²⁷ The advantages of the diagnostic approach of the juvenile court are facilitated by the structure of that court. While the current family division plan describes the “traditional” circuit court and probate courts as one court, they continue to function as they did prior to the plan. As stated by a family division judge, “I think I should just call myself the probate and juvenile judge. That is what people will understand.”²⁸

These sentiments, however, do not justify avoidance of change. It is helpful and important to view this issue from a national perspective and to consider the successes and failures of others. There are calls from many jurisdictions to embrace change in many different ways. Judge Robert W. Page of New Jersey stated, “The common picture of an American court is that of an institution rooted in the past, resistant to change, and

²⁶ Ibid, page 136.

²⁷ Ibid, page 136.

²⁸ Quoting Judge Dorene S. Allen, probate and family division judge. November 5, 2003

resigned to inefficiency.”²⁹ Yet that picture is simply not supportable as we move forward. “With spiraling legal costs, as well as the emotional turmoil of repetitive litigation, the general public has become very dissatisfied with incomprehensible multiple judicial systems.”³⁰ This is simply not acceptable, according to Judge Page. “Stated simply, the lights have been put on a heretofore darkened area of the courthouse.”³¹

Leadership is required to address the issues created when considering family courts. Family division plans can fail due to a lack of technical expertise and willingness to move forward. Jean Hoefer Toal, chief justice of the South Carolina Supreme Court stated the following at a recent national technology conference. “Leadership is also essential...that means having the right attitude, vision, open-mindedness, focus, planning, knowledge of industry best practices, active involvement and a can-do work ethic.”³² While Judge Toal’s specific topic centered on the need to move forward with technology, the essence of her comments certainly apply by analogy to creation of family division plans as well.

“People who come to court are very often scared, confused, or overwhelmed, so many courts are trying to look at their operations from a citizen’s perspective. Those courts that adopt this perspective treat people better, often starting with those persons who have

²⁹ “Family Courts: An Effective Judicial Approach to the Resolution of Family Disputes,” by Robert W. Page, Presiding Judge, Family Part – Superior Court of New Jersey. *Juvenile and Family Court Journal* Vol. 44, No. 1 (1993) page 1

³⁰ Ibid page 4

³¹ Ibid page 4

³² “Courts must invest in IT, Judge Says,” by Dibya Sarkar. *FCW.COM* October 29, 2003.

special needs.”³³ “To provide effective service to the public as well as to cope with high caseloads, the court system must make itself friendlier and more accessible to families who need to maneuver through it. Family friendly courts, which can be of either special or general jurisdiction, view families not as cases to be disposed of, but as consumers entitled to delay free and competitively priced services. Family friendly courts provide access to services that heal and protect children and their families whenever possible, and they resolve cases in a timely and efficient manner.”³⁴

Considering these potential benefits of family courts, national organizations such as the American Bar Association have issued statements in support of family courts and offered guidance as to the kinds of cases which should be included in a family court plan. “A unified family court combines all the elements of traditional family and juvenile courts under one roof to render comprehensive services to those who appear before it. Although money, geography and other factors may alter that configuration in different communities, unified family courts ideally have jurisdiction over all family related legal matters, including abuse and neglect, adoption, child and spouse support, child custody and visitation, divorce, domestic violence, juvenile delinquency, paternity, and termination of parental rights.”³⁵ The American Bar Association expressed concern that “forcing families to negotiate a labyrinth of judges, lawyers and social agencies is the rule rather than the exception in most U.S. Courts.”³⁶ Catherine J. Ross, then chair of the

³³ “Creating the Judicial Branch: The Unfinished Reform” by Robert W. Tobin. *National Center for State Courts* (1999) page 240

³⁴ “Family Justice: Specialized Procedures Trends in 2002: Family Friendly Courts” by Carol R. Flango. *National Center for State Courts Knowledge & Information Services* (2002) page 1

³⁵ “ABA backs unified family courts” by John Gibeaut. *ABA Journal* (December 1997) page 58

³⁶ *Ibid.*, page 58

ABA Steering Committee on the Unmet Legal Needs of Children described the problem as, “nobody gets a whole picture of the child and family, and how these actions are interrelated.”³⁷

To combat this, the American Bar Association has created a model proposal that contains five characteristics a unified family court should have:

- “The jurisdiction of the unified family court must cover all family related legal matters, from marriage and paternity to delinquency, child protection, and domestic violence.
- The court must help coordinate and manage outside agencies in providing services to families in crisis. This includes having liaisons with social service agencies within the court system.
- Optimally, courts should have a ‘one judge, one family’ arrangement, in which the family has a single team of social service workers throughout their relationship with the court. Given the understaffing problems of family courts, however, ABA only requires that a judge be informed of all previous and pending litigation regarding the family and its individual members to consider the full picture in making a decision.
- In addition to agencies and services to help families outside the courtroom, each unified family court must also have a team of counselors, mediators, and crisis interventionists to counsel families and enforce decisions. ABA also recommends

³⁷ Ibid., page 58

- including community outreach programs in the courts to facilitate the relationship between the family and the court and to educate the public.
- Unified family courts should use technology to properly track families and their relationships with the court. Access to automated information is strictly governed by policy, court rules, and statutes.”³⁸

Others have analyzed these guidelines and formulated recommendations as to the basic operations of a family division. “The functions of a comprehensive family court involve four basic elements which need identification and consideration from the outset. First, as a *court* it must strictly adhere to legal and equitable principles and refuse to act without a solid legal basis. Second, the family court system should be recognized as a *social service delivery system*, which requires and provides necessary services either directly or by way of referral to outside agencies. Third, as a *unified case processing and management system*, the family court provides substantial screening, assignment and monitoring of cases. Finally, the *organizational structure and administration* of a total family court system needs to provide the leadership necessary to ensure that it functions in accord with established principles and standards.”³⁹

How important are these four basic elements? “Too much stress cannot be placed on the benefits of launching a family court with the optimal characteristics. In my experience each step towards the attainment of one of these has a synergistic effect on the attainment

³⁸ “Unified Family Courts – Streamlining justice for Troubled Families” by Julie Patton. *Children’s Voice* (Fall 1999) page 5 – 6.

³⁹ “Family Courts: an Effective Judicial Approach to the Resolution of Family Disputes” by Judge Robert W. Page. *Juvenile and Family Court Journal* Vol. 44, No. 1 (1993) page 9.

of all, and the failure to move forward with one can defeat the fulfillment of the other.”⁴⁰

These comments, generated from considerable experience, lead logically to the conclusion that when evaluating the Midland County family division plan one should at least consider evaluating the concepts, elements and rules which have been developed by others.

As stated earlier, The Michigan Supreme Court has issued administrative orders that required the development of family division plans in the circuits. Historical data developed within Michigan points to the statewide pressures that the courts are operating under. “From 1985 to 1989, the criminal caseload of the circuit court increased by over 40percent and the civil caseload over 8percent; in the same period, the district court experienced a 29 percent increase in case filings. In the probate court, there was an increase of nearly 21 percent in case filings, with exceptional growth in many of the types of cases that pose the greatest pressure on court resources: neglect and abuse petitions increased by more than 77 percent, delinquency petitions by over 39 percent and guardianships by 30 percent.”⁴¹ Prospectively, the commission that produced the report containing these findings pictured a darker forecast: “Demographic forecasts promise even greater stresses on the judicial system. In the next decade, demographers tell us, the segments of the population which traditionally have the fewest economic resources available to them – people under 20 and over 65 – will grow as a percentage of total

⁴⁰ Ibid., page 39 (Quoting Chief Judge William Gordon of the Delaware Family Court)

⁴¹ “Michigan’s Courts in the 21st Century (A Report to the Legislature, Governor, and Supreme Court)” by the *21st Century Commission on the Courts*. (December 1990) page 1

population. In the economy, we will see slower growth, a shift from higher paying manufacturing jobs to lower paying service jobs, and later retirement.”⁴²

The Michigan courts must face these issues. This is due to the fact that, “if anything the burdens on the state court system are likely to grow dramatically worse in the next century as society further diversifies and the pace of change quickens.”⁴³ When those statements were written in 1990, the commission looked ahead to the time when the first family court legislation was approved in Michigan. “By the year 1997, all trial courts should be unified into one trial court in each of the current circuits.”⁴⁴

“The fragmented court system that has overlapping jurisdiction over family cases in most jurisdictions evolved neither from a set of jurisprudential principles nor a theory of judicial administration.” “Non unified family courts themselves may constitute an additional threat to the parties who appear before them. Courts, like some medical treatments, sometimes have unanticipated harmful consequences. ‘Iatrogenic’ is a medical term that describes unintentional harm done by a physician or treatment, such as the high risk of infection in a hospital. Judge Michael town of Hawaii has described the ‘jurigenic’ effects of the legal process on the people who appear before the court, meaning that the very processes of the family and juvenile justice systems inadvertently create and inflame problems for adults and children alike.”⁴⁵

⁴² Ibid., Page 3

⁴³ Ibid., Page 1

⁴⁴ Ibid., Page 4

⁴⁵ “The Failure of Fragmentation: The Promise of a System of Unified Family Courts” by Catherine J. Ross. *Family Law Quarterly* Vol. 32, No. 1 (Spring 1998) page 7.

As identified in the literature, there is a long list of potential harm that may result from fragmentation. These can include delay, courts issuing conflicting orders, protecting individuals from situations of domestic violence and allowing children to remain in foster care homes when that may not be necessary.⁴⁶ The solution to these problems may rest with the creation of a successful family court. “Many are coming to believe that family legal problems can best be addressed through a holistic approach, represented by a growing interest in unified family courts.”⁴⁷

So how should the courts in Michigan, and locally in Midland County, be organized to face the issues of family courts? “The goal of a court dealing with family disputes should be more than simply resolving the particular issues before them. Rather, such resolution should leave the family with the skills and access to support services necessary to enable them to resolve subsequent disputes constructively with a minimum of legal intervention.”⁴⁸

The key to success in this area appears to lie in coordinating cases involving a family for court efficiency and family convenience. “Coordination among cases is something that must be planned and nurtured regardless of court structure.”⁴⁹ “These cases are often interrelated, complex, and require court monitoring after disposition. After a decision is rendered, children and families may need to return to court to review progress on supervision, for service and treatment programs, to adjust levels of child support

⁴⁶ Ibid., Page 8

⁴⁷ Ibid., Page 13, quoting Chief Justice Shirley Abrahamson of the State of Wisconsin.

⁴⁸ “How are Courts Coordinating Family Cases?” by Carol R. Flango, Victor E. Flango and H. Ted Rubin National Center for State Courts (1999) Page 1

⁴⁹ Ibid., Page 3

payments, to review permanency plans, and to hear repeated violations of domestic violence protection orders. The existence of multiple cases filed in courts with overlapping jurisdictions often results in conflicting court orders and duplicative services, which ultimately can exacerbate existing problems as well as create new ones. Courts play a pivotal role at the crossroads of legal processes and social service interventions, and effective case coordination systems are essential to avoid fragmentation of services and misallocation of judicial resources.”⁵⁰

Considering the need for coordination of cases, a local plan must determine if this is the key to the success of a family division plan. “For one judge to hear a particular family law case from start to finish, is advantageous because it concentrates all the information in one person, and reduces the chances of inconsistencies. ... After all, repeated visits before the same judge are at the heart of coordination of cases involving the same family.”⁵¹ Further, it is not an easy position for the judicial officer. “The Court’s role in providing and coordinating services involving children and families is expanding, not because courts are assuming responsibilities once held by child welfare and social service agencies, but because they now recognized the need for coordination across courts and agencies. State legislatures often impose a responsibility on courts to see that their services are delivered, and indeed, federal law calls on courts to monitor social service agencies.”⁵² Locally, in Midland County, these issues were reviewed and considered as

⁵⁰ Ibid., Page 9

⁵¹ Ibid., Page 23

⁵² “Family Justice: Specialized Procedures and Trends in 2002: Family Friendly Courts” by Carol R. Flango. (2002)

potential obstacles to the family division plan. “The biggest problems will be scheduling,” stated one of the judges assigned to the family division.⁵³

Others have stated, then, “the most important aspect of the unified family court is ‘one family, one judge’ sometimes reframed as ‘one family, one team.’” “The reasoning is that only continuity before one decision maker who hears all related legal problems can ensure that each family is viewed as a whole.”⁵⁴

The literature is clear that the goal of one family - one judge is not reasonable without substantial reforms. “Even if the principle of one judge, one family is realized, that judge will not be able to do what judges do best – resolve issues properly determined by the adversary process and fashioning appropriate remedies – unless many other reforms are in place.”⁵⁵ These include well-trained staff comprised of intake personnel, magistrates, mediators, court clerks, social workers and others. Technological investments in computers to track cases properly all of which will result in the ability of the judges to delegate functions to the appropriate staff.⁵⁶

Nationally, the literature identifies the advantages of the family court. Given the proper set of operating principles, structure, goals and resources, it can result in improved efficiency for the court system while humanizing the process for the public. Locally, in Midland County, there are geographic as well as other obstacles to implementation of the

⁵³ Memorandum of Judge Donna T. Morris.

⁵⁴ Ross, Page 17

⁵⁵ Ross, Page 18

⁵⁶ See discussion at Ross, Page 18 – 19

type of plan envisioned by the American Bar Association and many other researchers. The fair question is if the benefits of a revised family division plan would outweigh these obstacles. This is the focus of the research conducted with this project.

By creating a questionnaire designed to solicit information from other jurisdictions, it will be possible to identify patterns of success. Some circuits have embraced the concept of one family - one judge to a much greater extent than others. This may be a function of community resources and size. The survey was designed to consider these factors.

Locally, in Midland County, a determination needed to be made as to the level of understanding among the court employees and attorneys regarding the family division plan in order to gauge their potential acceptance of any modifications. The survey was designed to consider this as well.

Research Methodology

This research project focused on the current family division plan for the trial courts in the County of Midland, Michigan. By act of the Michigan Legislature and Order of the Michigan Supreme Court, all Circuit Courts were required to develop and implement family division plans. The first such requirement occurred in 1996, when Public Act No. 388 was passed. Later, in 2002, new requirements regarding family division plans were promulgated by the legislature. Following this legislation, Circuit Courts were again obligated to update their family division plans.

The judiciary of Midland County complied with the requirements of the legislature and the Michigan Supreme Court. This project was designed to examine the local understanding and acceptance of the family division plan. Secondly, the project was designed to assess the willingness of the Midland community to consider modifications to the current plan.

To accomplish this, a survey instrument was created which requested information used to identify the respondent and determine their satisfaction with the local family division plan. The survey instrument then inquired into the willingness of the respondents to consider a specific modification to the Midland County family division plan to include the concept of one family – one judge.

Finally, the local survey included questions designed to assess the service issues that the respondent considered to be the most positive and negative aspects of the Midland

County Family Division Plan. Some respondents were unable to answer this question due to a lack of knowledge about the local plan. This is information that is interesting in and of itself.

The survey was distributed to all active members of the Midland County Bar Association by written letter, e-mail and personal delivery at the regular Midland County Bar Meeting. A personal request to assist this project by completing the survey was issued in writing with the survey along with a series of additional requests given at the Midland County Bar Meetings. A copy of the survey instrument and cover letter may be reviewed at the Appendix.

While Midland County is a progressive and open thinking community, the scope of this project was broadened to include input from the judiciary across the State of Michigan. As the legislative requirement to formulate family division plans was specifically directed to the Circuit Courts, the second phase of this project focused on that aspect of the judiciary. The geographic landscape of Michigan has been divided into 57 circuits that correspond to the 57 Circuit Courts. Some of these circuits are smaller geographically while others are larger geographically to account for the population of the area. A survey instrument was created which was used to determine the size of the responding circuit, the number of hearing officers in the circuit, the type of cases assigned to the family division and the level of implementation of the one family – one judge model.

In addition, questions were included which were designed to determine the positive and negative aspects of the family division. This information, when combined with the knowledge gained during the literature review, will be used to formulate the recommendations that conclude this project.

To insure contact with each circuit, contact was made with the Administrative Services Division of the State Court Administrator's Office (SCAO). Each and every Friday, the Administrative Services Division issues an electronic letter to every judge and court administrator in the State of Michigan. Known as the "Friday ASD Mail," the document includes hypertext links to memorandums from the Michigan Supreme Court as well as other agencies such as the Secretary of State or State Police. The Friday ASD Mail also includes information of a general interest to the judiciary that improves the readership levels.

The SCAO agreed to post the survey with the ASD Mail. By doing so, it was delivered instantly to all of the Circuit Court Judges and Court Administrators. The posting included a cover letter explaining the purpose and content of the survey. The survey could then be retrieved for response. Electronic responses could be sent back immediately by the Internet. Alternatives included facsimile and traditional mail. To encourage responses, a copy of the final report will be provided to all respondents who requested the report by providing their E-mail addresses.

Prior to releasing the local and statewide surveys, a pretest was conducted to verify that the survey was understandable and would gather the information desired. The pretest was conducted by asking individuals who would not be included in the survey groups to review and complete the survey forms. Individuals who participated in this test were knowledgeable regarding court systems yet disinterested enough to provide a fair and balanced report. These individuals included court administrators from other states as well as representatives from the SCAO. Based upon their comments and suggestions, limited changes to the instrument were made in advance of the research portion.

As indicated earlier, two distinct sample groups were used for this project. The local sample group included all members of the Midland County Bar Association and employees of the Midland County Courthouse. A general membership roster for the Midland County Bar Association is maintained by the Secretary of the association. At the time of the survey, 172 members were on the roster and the roster contains the permanent addresses for each member. To distribute the survey, a cover letter was sent with the survey by mail to each member. In addition, many members maintain contact with each other and the association via the Internet. E-mail addresses were used to send a back up copy of the survey to each member when possible. Finally, copies were made available at the bar association meetings where they were distributed to the membership. Surveys could be returned via facsimile, E-mail and regular U.S. mail. To avoid duplication, returned surveys were examined and compared with the return addresses and other marks to insure that multiple surveys were not returned by the same individual.

When considering the local sample, it is important to note that the membership of the Midland County Bar Association is primarily comprised of two groups. The first, self-described as the “downtown bar” includes individuals who practice regularly before the local courts. The second, often called the ‘corporate bar’ includes individuals who primarily work with the two largest corporations in the community being The Dow Chemical Company and Dow Corning. The second group rarely practices in the family division. However, it was felt that their input was very important, as they comprise an essential element of this community. Their knowledge regarding the family division plan, or lack of knowledge, could be part of the basis for decision making when formulating recommendations to the local judiciary.

The local survey was also delivered electronically to all employees of the courthouse, a total of fifty-four individuals, via the internal electronic communications system. Employees were asked to complete the survey and return the document via E-mail, facsimile or interoffice mail.

The sample group for the statewide survey included representatives from each circuit in Michigan. Due to the nature of the delivery mechanism, it was not possible to insure that each survey would be completed by any particular individual. Questions were included with the instrument to identify the respondent.

The author of this project collected the data. All responses were received directly in his office at the Midland County Courthouse. The process, from distribution of survey to completion, was approximately six weeks.

Data was compiled by placing the responses into spreadsheets using an Excel© program. Charts used to explain the results were also created in an Excel© program. To prevent corruption of the data, the material was recorded and then backed up nightly on a separate computer server maintained in a remote location.

Research Findings

Midland County Survey

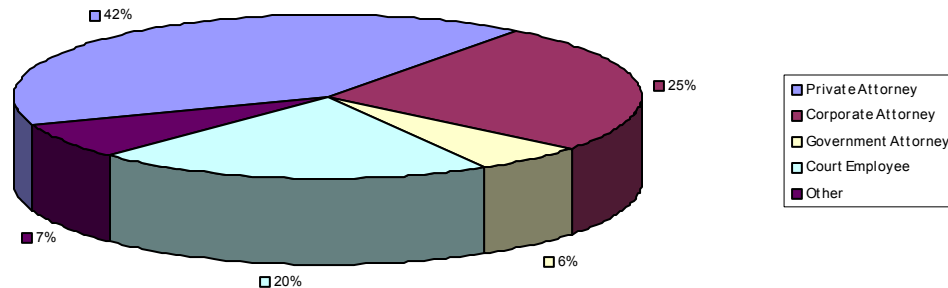
The Midland County Local Survey was sent to all members registered with the Midland County Bar Association, which includes private attorneys, government attorneys and corporate attorneys as well as to Midland County Courthouse employees. The largest sample group, comprised of attorneys, contained 172 individuals. The sample group of Courthouse employees contained 54 individuals.

For identification purposes, the survey instrument asked the respondent to state if they were a private attorney, corporate attorney, government attorney, court employee or other (with a space provided for a free form answer.) Identification of the respondent was viewed as important as a theory of the author included the possibility that those members of the sample group that did not regularly work in the courthouse may lack knowledge of the Midland County family division plan. Secondly, it was felt that it would be enlightening to determine the willingness of that subgroup to consider changes to the Midland County family division plan.

Accurate identification proved difficult in that some individuals fairly characterized themselves as being members of more than one group. Consider, for example, the five responses marked as government attorneys. These responses were received from members of the prosecuting attorneys office. As such, they could have been identified as part of the court employee group as they work within the courthouse.

The five responses from the government attorneys represented a response rate of seventy-one (71) percent. Thirty-four responses were received from private attorneys while twenty-one responses were received from corporate attorneys. This resulted in an overall response rate for attorneys of thirty-five (35) percent. Seventeen responses were received from court employees that resulted in a response rate of thirty-one (31) percent. Six responses were coded as other. This group was comprised of judges, both active and retired. Of the active Midland County judiciary, four responded resulting in a response rate of eighty (80) percent. Cumulatively, considering all of the surveys released to the group, the response rate was thirty-seven (37) percent. Table 1 represents this information in percentage form.

Table One - Current Employment - Local Survey



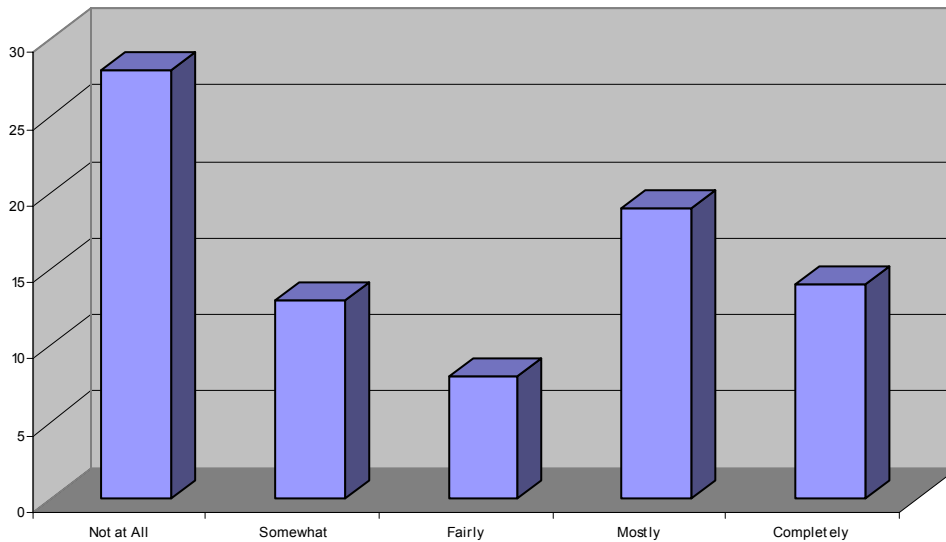
In order to properly evaluate the current Midland County Family Division Plan, the survey instrument posed the question of familiarity with the plan. This question was

designed to identify the presence of any potential internal bias regarding the current plan. Further questions probe the issue of modifications to the plan.

The survey asked, *Please indicate your familiarity with Midland County's Family Court Plan.* Responses were allowed on a five point Likert Scale ranging from Not at All to Completely.

Twenty-eight (28) responded "Not at All" to this question of familiarity with Midland County's Family Court Plan. The remaining respondents indicated at least some base level of familiarity with the plan. Thirteen (13) responded "Somewhat," eight (8) responded "fairly," nineteen (19) responded "Mostly" and fourteen (14) responded "Completely." Table Two presents this information in the form of a bar graph. This indicates that of the respondents a total of fifty-four (54) are familiar with the plan compared to the twenty-eight who have no familiarity with the plan at all.

Table Two - Familiarity with Midland County's Family Court Plan

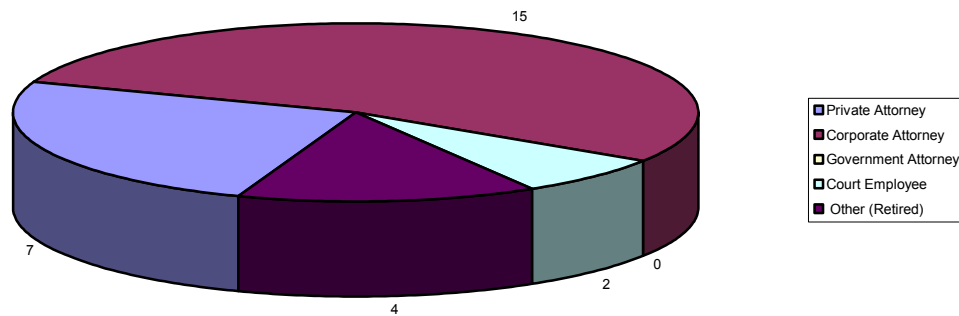


Further analysis of the respondents who indicated that they were “Not at All” familiar with Midland County’s Family Court Plan revealed that a majority of these individuals would be in situations where it could be presumed that they would lack familiarity with the plan. Of these respondents, fifteen (15) are corporate attorneys working for international companies that results in the attorneys rarely appear before the local courts.

Four (4) responded that they lack familiarity because they are retired, either from a corporate practice or private attorney practice. Seven (7) are private attorneys, however they indicated that the areas of law that they routinely practice in do not involve family court matters. Examples of these individuals include real estate attorneys. Two (2) respondents were from within the court system, however these individuals work for the 75th District Court that has not traditionally participated in family court matters. There

were no government attorneys that indicated they were “Not at All” familiar with Midland County’s Family Division Plan. Table Three presents this information.

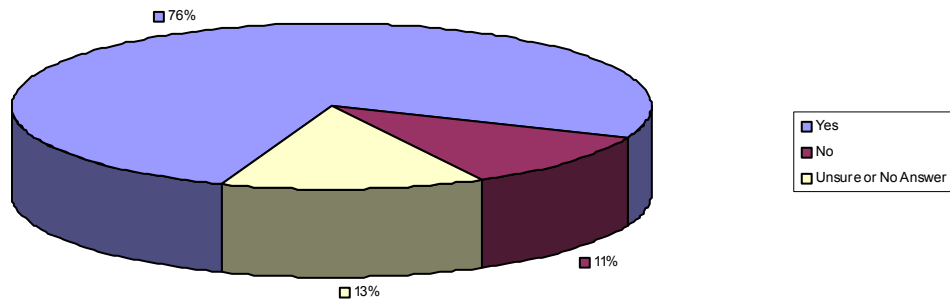
Table Three - Employment of Respondents Not at All Familiar with Plan



An effort was made to focus the respondents on critical aspects of the Midland County Family Division Plan by asking a question that formulates a key component of the plan, that being judicial assignment. Respondents were asked the following question. *“Currently, cases are assigned to a judge based upon the type of proceeding. Do you believe this practice should continue?”* This question was designed to provide an indication of the willingness of the local survey group to a new family division plan that may include the “one family – one judge” model concept.

To this question, nine (9) indicated that the current plan should not continue. Eleven (11) indicated that they were unsure or they did not provide an answer. Sixty-two (62) indicated that the current method of assigning matters to a judge based upon the type of proceeding should continue. As a percentage, eleven (11) percent indicated that the current plan should not continue. Thirteen (13) percent were unsure or they did not provide an answer while a large majority of seventy-six (76) percent indicated that the current practice should continue. Table Four presents this information in percentage form.

Table Four - Should Current Judicial Assignment Method Continue (Local Plan)

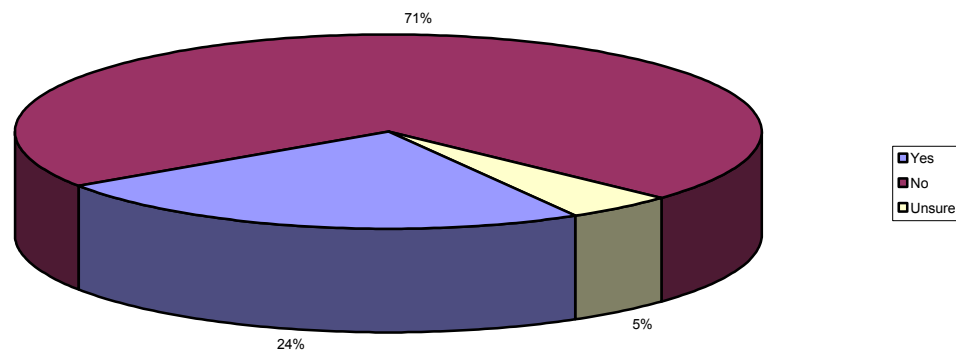


To further test the feasibility of recommending a plan that would be based upon the one family – one judge model, the local respondents were asked the following question. *“An alternative model calls for cases to be assigned based upon a “one judge – one family” concept, whereby a single judge would hear all proceedings related to a family. Do you believe this model should be adopted in Midland County?”* Clearly this question contained some information about the model that could have impacted the responses.

However, based upon the actual responses received, the form of the question did not appear to modify the results.

Of the respondents who indicated that the current Midland County Family Division Plan should continue, seventy-one (71) percent indicated that they would not support adoption of the one judge – one family model. Twenty-four (24) percent indicated that they would be supportive of changing the plan to a one judge – one family model while five (5) percent were unsure or did not provide an answer. Table Five presents this information in percentage form.

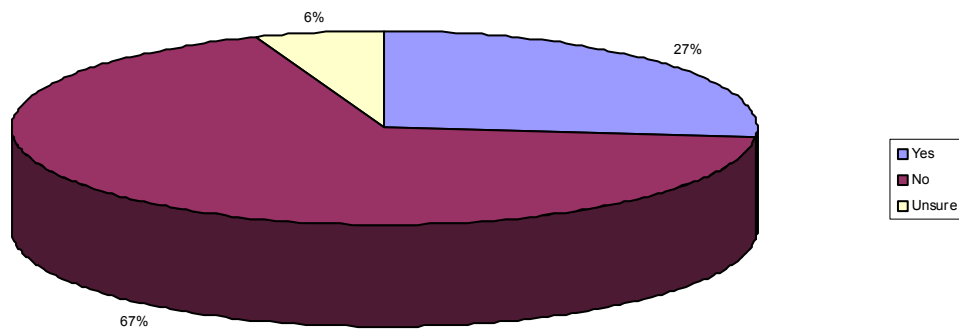
Table Five - Of those answering "yes" to continuing current plan, percent willing to consider adoption of one family one judge plan



The same question was analyzed by reviewing the responses from the entire sample of respondents. This resulted in a shift of the percentages, but not by an amount that would

be considered significant enough to change any recommendations. Sixty-seven (67) percent responded that they would not be willing to adopt the one judge – one family model. Twenty-seven (27) percent responded that they would be willing to adopt the one judge – one family model while six (6) percent were unsure or did not provide an answer to this question. Table Six graphically describes these results in a percentage form.

Table Six - Of all respondents, percentage willing to consider one judge one family (local survey)



The survey instrument next asked a question designed to determine the respondent’s level of satisfaction with the current Midland County Family Division Plan. This question was included to further probe the respondent’s willingness to consider alternative models. Respondent’s answers were coded on a Likert scale with satisfaction options ranging from “Not at All” to “Completely.” The responses to this question were favorable for continuing the current local family division plan in that there was not one response received indicating that the respondent was “Not at All” satisfied with the current plan.

Six (6) respondents indicated that they were “Somewhat” satisfied with the plan. Eleven (11) respondents indicated that they were “Fairly” satisfied with the plan. Twenty-five (25) respondents indicated that they were “Mostly” satisfied with the plan while fourteen (14) respondents indicated that they were “Completely” satisfied with the plan. The largest responding group, twenty-six (26), did not provide an answer or indicated that they were not sure and lacked enough information to answer the question. Table Seven graphically illustrates these responses as a bar chart.

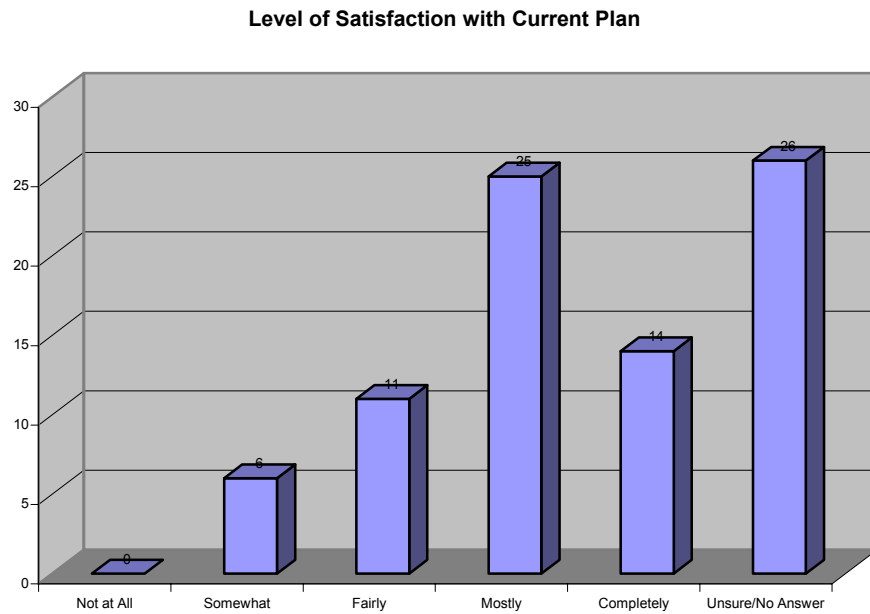


Table Seven

The survey next questioned the respondents to determine the positive attributes of the current Midland County Family Division Plan by asking the following question. *“What do you consider to be the most positive aspect of Midland County’s current Family Court*

Plan?” The respondent was offered five choices along with an additional “free” space to offer comment. The survey instrument did not include a limit on the number of responses an individual could make. The choices were case processing, ability to provide service to family, staff efficiency, hearing officer knowledge of family, effect on recidivism and the free space of “other.”

Thirty-three (33) respondents indicated that they were unsure or they did not provide an answer. Twenty-four (24) respondents indicated that the current case processing methods were the most positive aspect of the current plan. Twelve (12) respondents felt that the courts ability to provide service to family was the most positive aspect of the current plan. Fourteen (14) respondents credited staff efficiency as the most positive aspect of the current plan. Six (6) respondents attributed hearing officer knowledge of the family as the most positive aspect of the current plan while one (1) respondent cited effect on recidivism as the most positive aspect of the current plan. Six (6) respondents identified “other” positive aspects of the plan. These included the specialized knowledge of the judge and hearing officers regarding the subject matter usually assigned to them (three (3) respondents), good judges (one (1) respondent), and the ability of the individual courts to deal with different types of cases (one (1) respondent). Table Eight provides a graphic illustration of these responses.

Most positive aspects of Midland County Current Plan

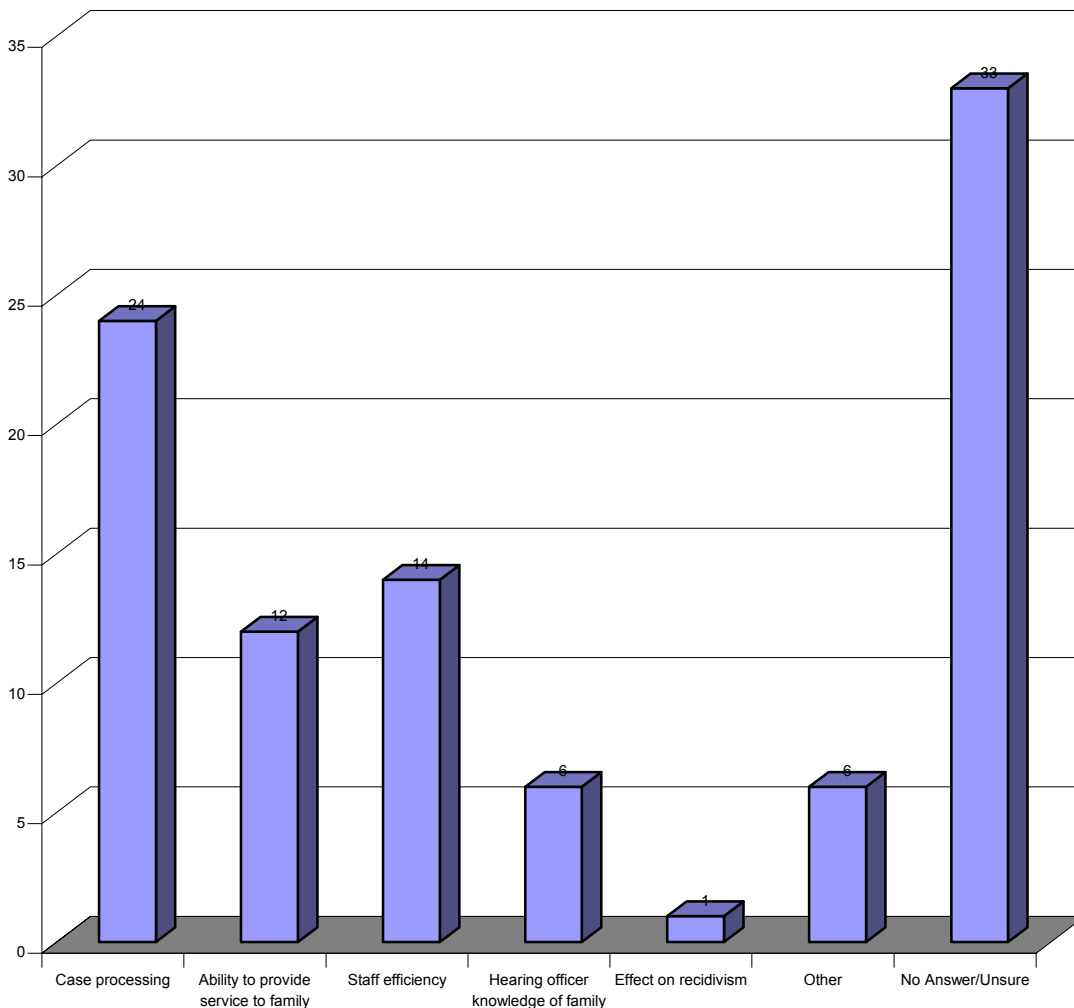


Table Eight

The next survey question asked the respondents to identify the least positive attributes of the current Midland County Family Division Plan by asking the following question. *“What do you consider to be the least positive aspect of Midland County’s current Family Court Plan?”* While this question presented as a mirror to the earlier question on positive attributes, the results were not directly opposite. The respondent was offered five choices along with an additional “free” space to offer comment. The survey instrument did not include a limit on the number of responses an individual could make.

The choices were case processing, ability to provide service to family, staff efficiency, hearing officer knowledge of family, effect on recidivism and the free space of “other.”

When compared with the previous question, a larger group, forty-one (41) indicated that they were unsure or they did not provide an answer to this question. Three (3) respondents noted case processing methods as the least positive aspect of the current plan. Nine (9) respondents pointed to the courts ability to provide service to family as the least positive aspect of the current plan. Two (2) respondents cited staff efficiency while six (6) respondents indicated that the hearing officer’s knowledge of the family was the least positive aspect of the current plan. Fourteen (14) respondents indicated that the current plan’s effect on recidivism was the least positive aspect of the plan. Four (4) respondents selected “other” as their choice for the least positive aspect of the plan. These responses included items that could be addressed by a one judge – one family model such as “consistency in orders relating to the same family” (one (1) response). In addition, “lack of mechanism for case coordination between courts that will affect a ‘family.’” As well as items that are not directly related to the questions being examined by this project such as “hearing days are long” (one (1) response) and “current attorney case distribution” (One (1) response). Table Nine provides a graphic illustration of these responses.

Least Positive Aspects of Current Midland County Plan

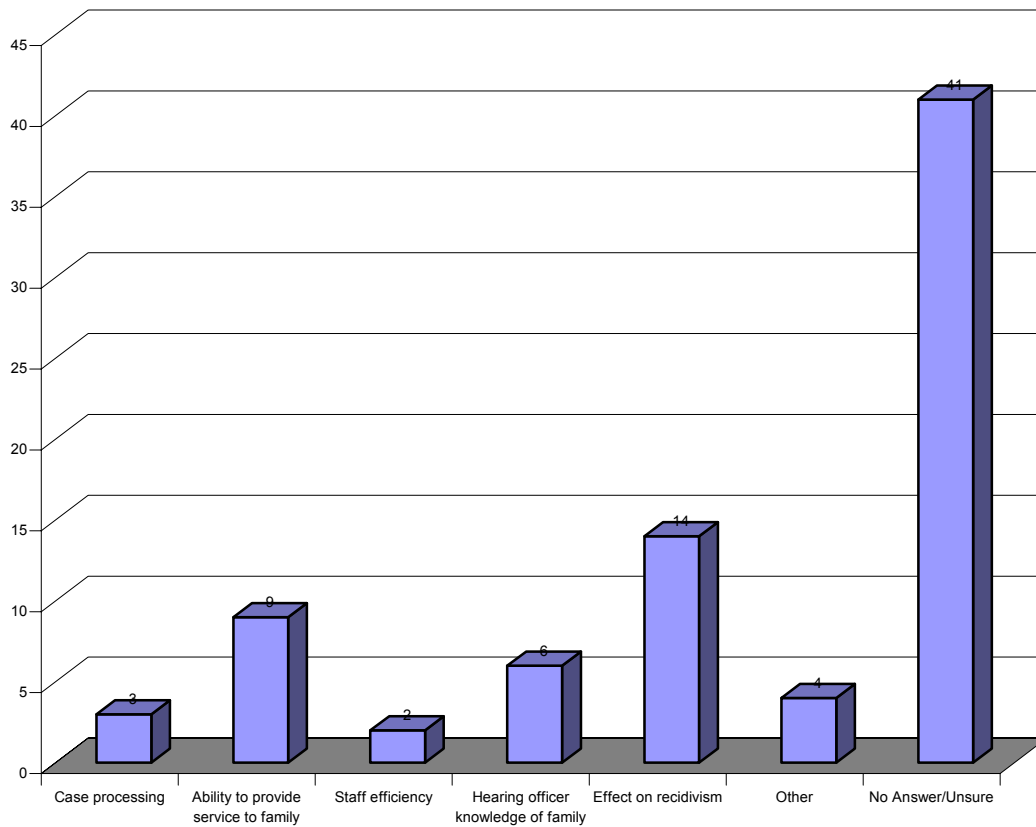


Table Nine

The Midland County Family Court Survey concluded with an open question which was, *“Do you have any suggestions that could improve Midland County’s Family Court Plan.”* Twenty-four (24) respondents elected to provide comments on the current plan. The majority, fifteen (15) offered additional reasons why the Midland County Courts should not move to the one family – one judge model. Some of these comments were relatively short: *“Do not do 1 judge, 1 family!!”* To more complete: *“In a perfect world the ‘one judge – one family’ plan may be the best. However, we don’t live in a perfect world. Given the make up of the judiciary, the services available to families and individuals, I believe that our current practice is more effective and efficient.”* Others based their comments on our current system but left room for consideration of alternative

models: “Because of our good judges, the system at present works well. The concept of assignment based on “one judge – one family” sounds good so long as it does not delay or prolong scheduling dates and resolution.”

One respondent stated, “Attitudes are important here, and I admit that. I tried to adjust to the milieu of Probate Jurisdiction, I really did. It ain’t for me. It truly is a different way of thinking, let alone a completely different legal structure than I’m used to. It was very uncomfortable. So, I’m spoiled and old and crotchety, so, sue me!” Overall, respondents rested their opinions on the high quality of our judiciary. “I feel the current plan is working. I feel you have better service when the Judge has an expertise in a certain area rather than the one judge one family concept. I see the cooperation between the Midland County Judges as an important factor in making this process work.”

Research Findings

Michigan Statewide Survey

The Michigan Statewide Survey was sent to Court Administrators and Judges within each of Michigan's Circuit Courts. The Administrative Services Division of the Michigan Supreme Court distributed this survey instrument electronically. The electronic A.S.D. mail is sent each Friday allowing for rapid delivery of the survey instrument. Fifty (50) responses were received from across the State of Michigan. There was some duplication in responding circuits as in some cases both the presiding family court judge and the court administrator responded. Michigan is comprised of sixty-three (63) circuits and responses were received from forty-two (42) of the circuits resulting in a response rate of sixty-seven (67) percent.

For identification purposes, the Michigan Survey sought to identify the respondents by their function with their Court. The first question asked was, "*Please indicate your position with your Court.*" The respondents could chose between presiding family court judge, court administrator and other. It was determined that it would not be necessary to inquire of other categories as the electronic mail was targeted towards the appropriate sample group.

Of the respondents, twenty-three (23) currently serve as the presiding family court judge. An additional twenty-one (21) were categorized as Court Administrators. Four (4) of these respondents actually selected "other" as opposed to Court Administrator. However,

When reviewing their survey responses it became clear that this choice was made to reflect specialized court administrator functions. Examples of these include individuals serving in the capacity of “Friend of the Court.” The job responsibilities for these individuals typically include administrative functions. Another respondent stated, Attorney Referee and Deputy Court Administrator. Clearly this individual’s employment responsibilities include administrative functions. It was for these reasons that these individuals were added to the category of Court Administrators. The remaining respondents who selected “other” included a probate register, a circuit court clerk and four (4) judges. Table Ten provides this information in graphic form.

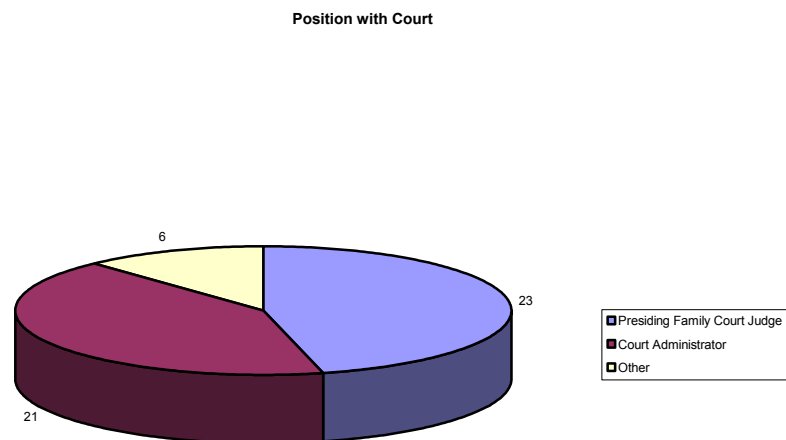
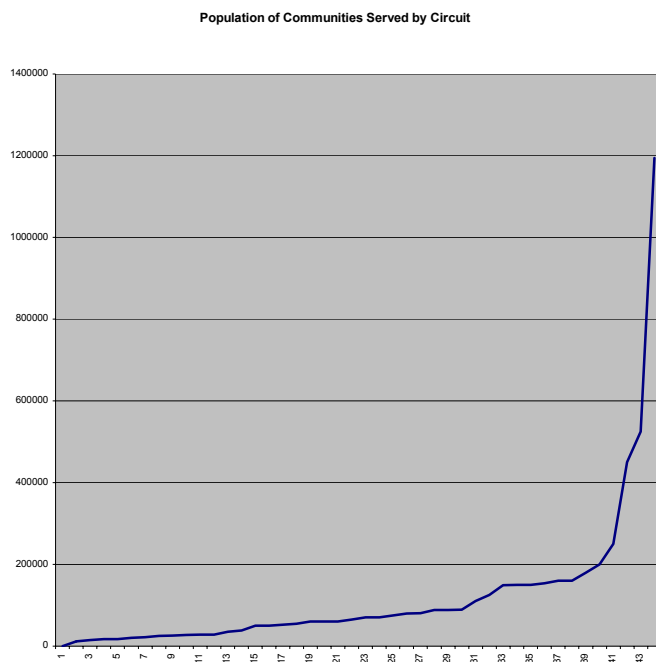


Table Ten

It was anticipated that the resources available to design and fully utilize a family court plan might be contingent upon the size of the community in terms of population.

Therefore, the survey instrument asked respondents to state the approximate population of the area served by the court. This question was included as an open response and all responses were grouped to provide a more meaningful interpretation of the data. The circuit with the smallest population was twelve thousand (12,000). The circuit responding with the largest population was over one million (1,194,156). One respondent did not answer this question.

The vast majority of the respondents were with Circuit Courts that served communities that contain populations of fewer than 200,000 people. Of the entire sample, five (5) responded from communities larger than 200,000 people. In some instances, multiple surveys were received from these larger communities. Thirty responding circuits were from populations with fewer than 100,000 people. A visual depiction of this information is contained at Table Eleven.



All jurisdictions in Michigan have a common starting date for implementation of family division plans as the Michigan Legislature and the Michigan Supreme Court set this by legislative and judicial action. While the various circuits began their planning at different times, it will be possible to determine the involvement of the respondent in planning and implementation by considering the length of time they have worked in their current positions. Further, it will indicate the length of time that they may have worked under other court operation models. Therefore, the survey instrument asked respondents how long they have worked in their current position by asking, *“please indicate the length of time you have served in your current position.”* This question was an open question that allowed the respondent to provide the information in any form they found convenient. Consistently, the respondents answered this question by stating a number of years.

Of the fifty respondents, answers ranged from six months to two respondents with twenty-seven (27) years of experience. Cumulatively, the respondents represent a knowledge base of approximately four hundred ninety seven (497.30) years of experience. All family division plans were required to be implemented on January 1, 1998. Therefore, any respondent with experience on their current job, which exceeds five years, may be presumed to have been directly involved in either the planning or implementation of their local family division plans. Of the respondents, fully thirty-three (33) meet this knowledge criterion. Table Twelve provides a linear description of the length of experience each respondent indicated.

Length of Experience on the Job

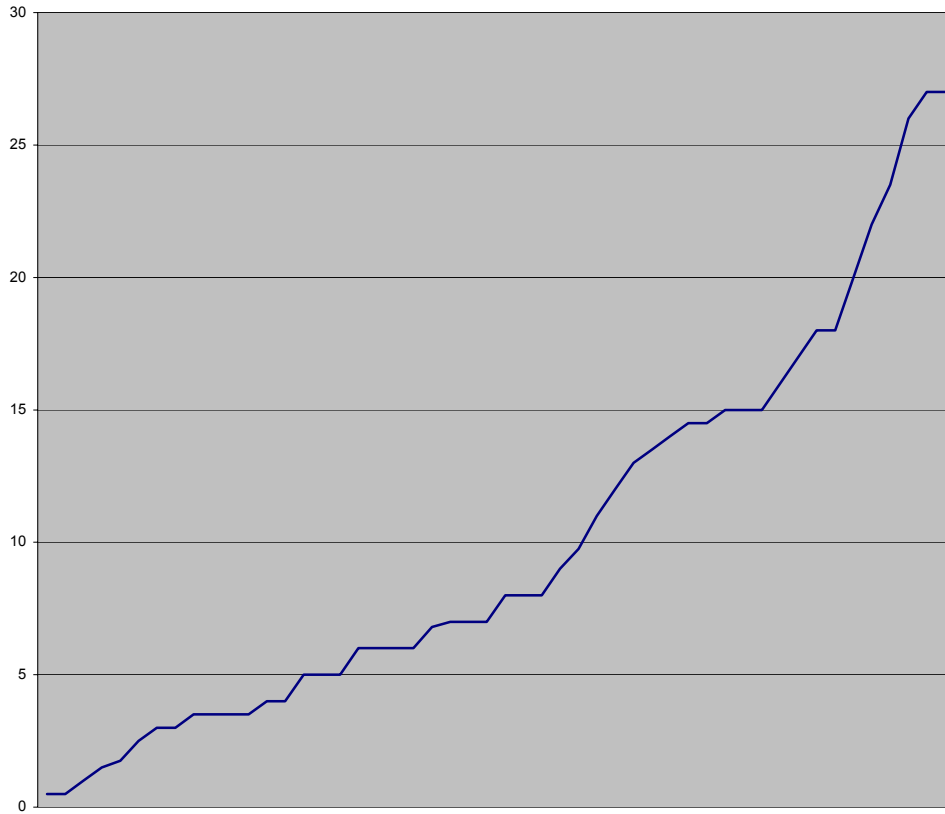


Table Twelve

Table Thirteen graphically shows the percentage of respondents with experience which is presumed to include times that would involve planning and implementation of their local family division plan.

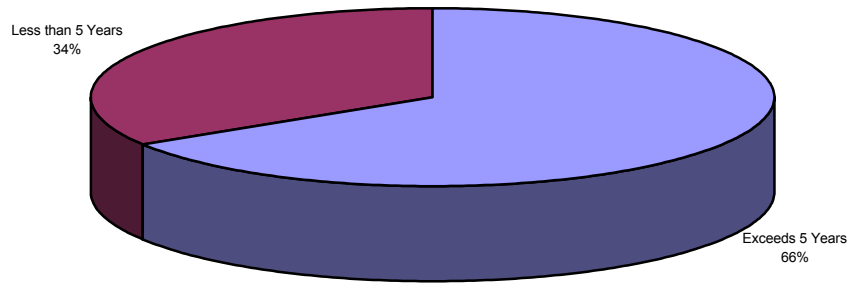


Table Thirteen

To continue the analysis of resources available for the various family divisions in Michigan’s Circuit Courts, the survey instrument inquired as to the total number of hearing officers within the jurisdiction. The question stated, *“Please indicate the number of hearing officers in your jurisdiction.”* Respondents could enter a number that corresponds to the number of judges, referees and magistrates who serve within the jurisdiction.

Number of Hearing Officers in Jurisdiction

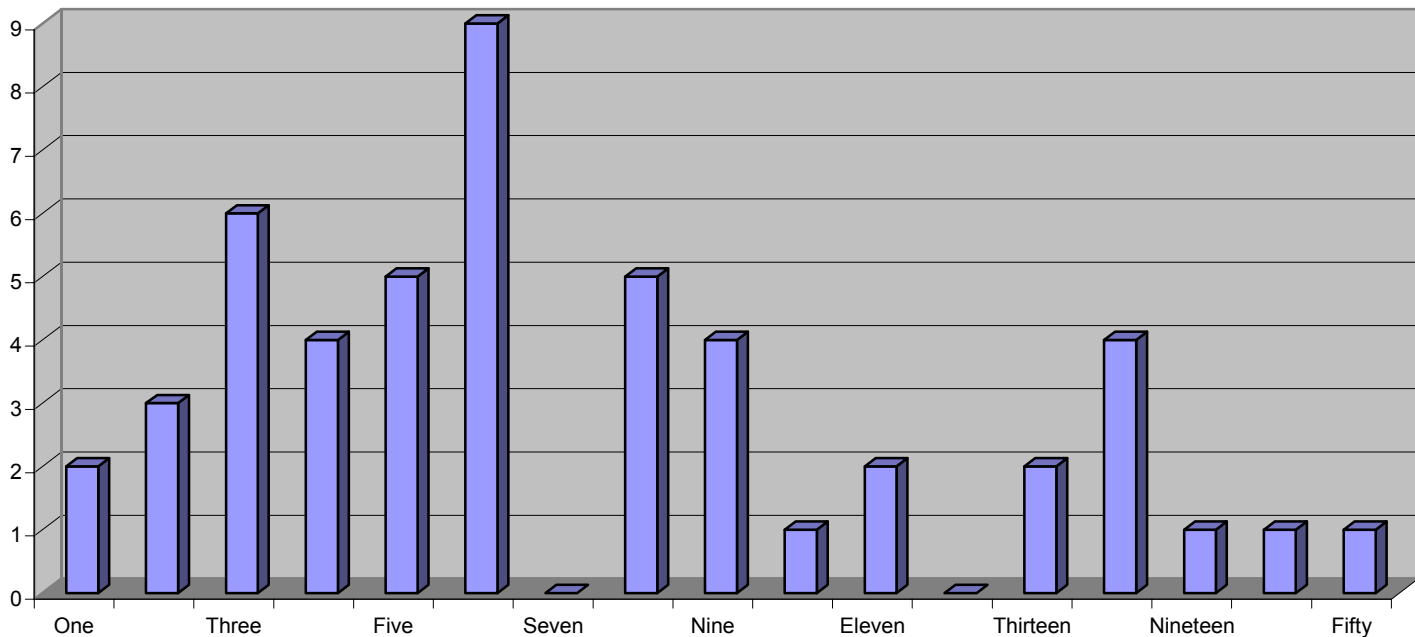


Table Fourteen

Of the respondents, two (2) indicated that they have one (1) hearing officers. Three (3) indicated that they have two (2) hearing officers. Six (6) indicated that they have three (3) hearing officers. Four (4) indicated that they have four (4) hearing officers. Five (5) indicated that they have five (5) hearing officers. Nine (9) indicated that they have six (6) hearing officers. No respondents indicated that they have seven (7) hearing officers. Five (5) indicated that they have five (5) hearing officers. Four (4) indicated that they have nine (9) hearing officers. One (1) indicated that they have ten (10) hearing officers. Two (2) indicated that they have eleven (11) hearing officers. No respondents indicated that they have twelve (12) hearing officers. Two (2) indicated that they have thirteen (13) hearing officers. Four (4) indicated that they have eighteen (18) hearing officers. One (1) indicated that they have nineteen (19) hearing officers. One (1) indicated that they have twenty-one (21) hearing officers. One (1) indicated that they have fifty (50) hearing

officers. Table Fourteen graphically describes the information that was learned from this question.

The following question narrows this issue by attempting to determine the number of hearing officers directly involved with the family division by asking, “*Of these, how many are assigned to your family division?*” Five (5) respondents indicated that one (1) hearing officer is assigned to the family division. Nine (9) respondents indicated that two (2) hearing officers are assigned to the family division. Seven (7) respondents indicated that (3) hearing officers are assigned to the family division. Five (5) respondents indicated that four (4) hearing officers are assigned to the family division. Six (6) respondents indicated that five (5) hearing officers are assigned to the family division. Three (3) respondents indicated that six (6) hearing officers are assigned to the family division. Three (3) respondents indicated seven (7) hearing officers are assigned to the family division. Four (4) respondents indicated that eight (8) hearing officers are assigned to the family division. One (1) respondent indicated that nine (9) hearing officers are assigned to the family division. One (1) respondent indicated that ten (10) hearing officers are assigned to the family division. No respondents indicated that eleven (11) hearing officers are assigned to the family division. Five (5) respondents indicated that twelve (12) hearing officers are assigned to the family division. One (1) respondent indicated that thirty-five (35) hearing officers are assigned to the family division. Table Fifteen describes this information in graphic format.

Number of Hearing Officers Assigned to Family Division

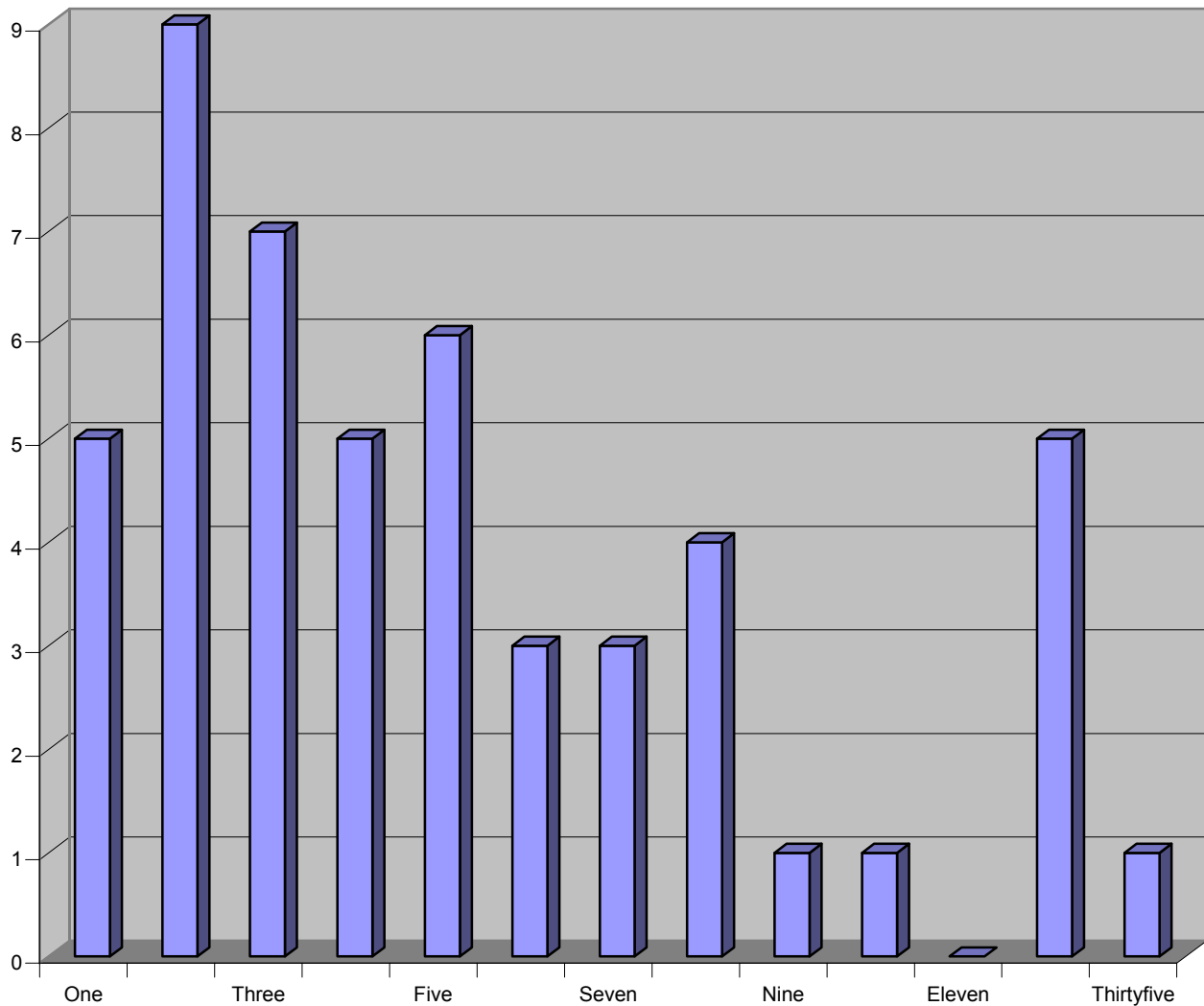


Table Fifteen

As discussed earlier in the Literature Review section of this project, various models have been used by different jurisdictions when developing their family division plans. A classic model includes assigning specific cases to the family division. To determine the types of cases assigned to the family division, the survey instrument asked the respondents to identify the type of cases assigned. This was done in an open format allowing the respondents to check all that applied. The question stated, *“Please indicate the type of cases assigned to your Family Division.”* With the ability to choose the

following responses: “*Domestic, delinquency, neglect, personal protection orders, name changes*” and the open choice of *other* with the ability to add an answer or a comment.

Thirty-three (33) of the respondents selected all of the potential choices with an additional thirteen (13) of these adding adoptions to the other category. Ten (10) respondents selected every aspect of the family division plan with the exception of name changes. Two (2) respondents indicated that domestic cases, such as divorce with and without children as well as paternity and child support are the only matters assigned to the Family Division. Four (4) respondents indicated that the matters assigned to their Family Division are limited to child delinquency, child neglect, domestic cases, such as divorce with and without children, and name changes. One (1) respondent indicated that the matters assigned to their Family Division are limited to child delinquency, child neglect and name changes. This is a model quite similar to the traditional Michigan Probate Court model described earlier in this project. It is interesting to note that when name changes are removed from consideration, eighty-eight (88) percent of the respondents assign cases to their family division which would be similar to those recommended by the literature review. This information is presented graphically on Table Sixteen.

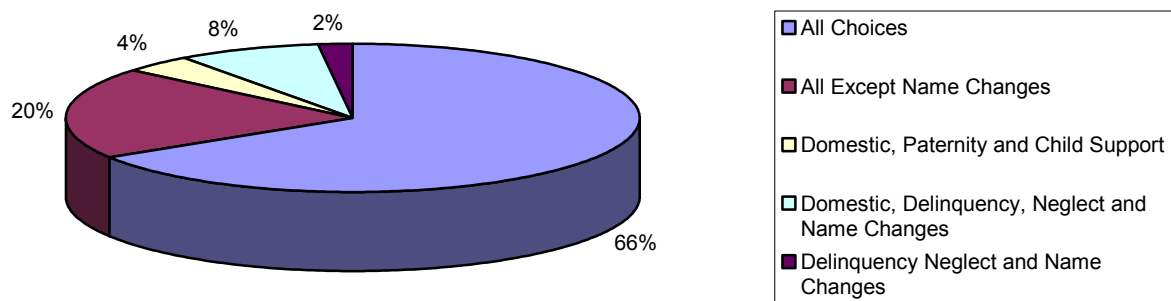


Table Sixteen

The survey instrument then asked the respondents to indicate if they used the one family – one judge model by asking, “Does your jurisdiction utilize the ‘one family – one judge’ model?” Forty-three (43) of the respondents indicated that they are in fact utilizing the one family – one judge model. Seven (7) of the respondents indicated that they do not utilize the one family – one judge model. This information is provided in a percentage form on Table Seventeen. The survey instrument then allowed for three specific follow up questions for those who answered ‘yes’ and one specific follow up question for those who answered ‘no.’

Of the respondents answering ‘yes,’ they were then asked, “*How are cases assigned to a particular judge?*” and “*How are referees or magistrates utilized in your model?*” and lastly “*Do you believe this is a good model for other jurisdictions?*”

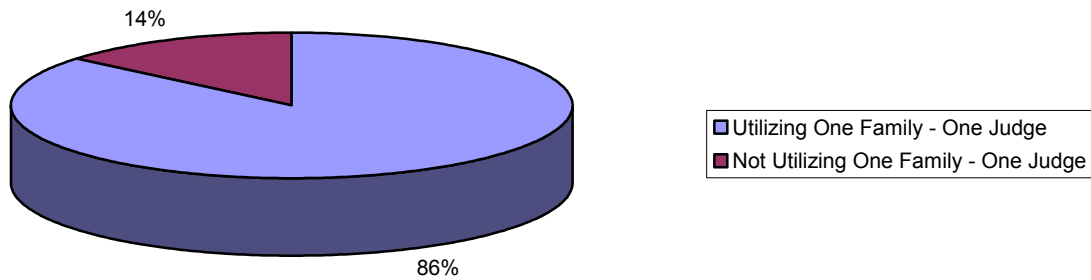


Table Seventeen

In answering the question regarding assignment, twenty-four (24) of those who use the one family – one judge model assign cases by random draw unless there has been a prior case with the family. Five (5) of those who answered yes use a clerical employee to screen and assign cases. Based upon the written answers, it appears that a blind or

random draw is then used if there are no other cases involving the same parties. Four (4) respondents indicated that all matters are assigned to a single judge as there is either only one judge assigned to the family division or there is only one judge working in the county or circuit. Five (5) respondents indicated that one judge hears all cases of a particular type with answers such as “all child cases are assigned to me,” and “one judge is assigned all DO and PPO’s not involving children. The other judge is assigned all DM, DP, DC, DL, NA, AD, PPO’s involving children.” The references used here refer to case codes used in Michigan. DO – Divorce with no minor children. PPO – Personal Protection Orders. DM – Divorce with minor children. DP – Paternity. DC – Custody. DL – Delinquency. NA – Neglect. AD – Adoption.⁵⁷ Five (5) respondents indicated that matters that were traditionally considered probate, such as juvenile, continue to be assigned to the probate judge. While domestic matters continue to be assigned to the circuit judge. The exception being where there is prior family involvement.

Of the respondents who indicated they do not use the one family – one judge model, a follow up question was asked to determine how the cases are assigned. The survey instrument asked, “*How are cases assigned in your Family Court?*” As indicated, seven (7) respondents were able to answer this question, as they do not use the one family – one judge model. Of the seven (7), three (3) elected to not respond. The remaining four (4) indicated that cases are assigned “by type of proceeding.” Or by “category.” As stated by one respondent, “our family court plan, in general, leaves probate matters with the probate court and circuit court matters with the circuit court, i.e. juvenile matters are in probate, divorce and PPOs in Circuit.”

⁵⁷ MCR 8.117.

The survey instrument then provided a multiple-choice answer to the question, “*What do you consider to be the most positive aspect of your Family Division?*” All of the respondents could then select the following which apply: “*Case processing, hearing officer knowledge of family, ability to provide service to family, effect on recidivism, staff efficiency*” and the open choice of “*other.*” Of those who do not use the one family – one judge model, three (3) selected case processing. Three (3) selected hearing officer knowledge of family. Four (4) selected ability to provide service to family. Three (3) selected staff efficiency and one (1) selected effect on recidivism. One (1) answered “all family matters in one court,” presumably based upon the fact that there is one family court judge.

Of those who indicated earlier that they do use the one family – one judge model, there were twenty-three (23) selections for Case Processing, twenty-eight (28) selections for Ability to Provide Service to Family, twenty-two (22) selections for Staff Efficiency and twenty-eight (28) selections for Hearing Officer Knowledge of Family. Six (6) respondents selected Effect on Recidivism. Three (3) selected “Other” noting lack of delay, consistency in decisions for each case and family matters being given priority.

Table Eighteen provides this information in graphic form.

Most Positive Aspects of Your Family Division

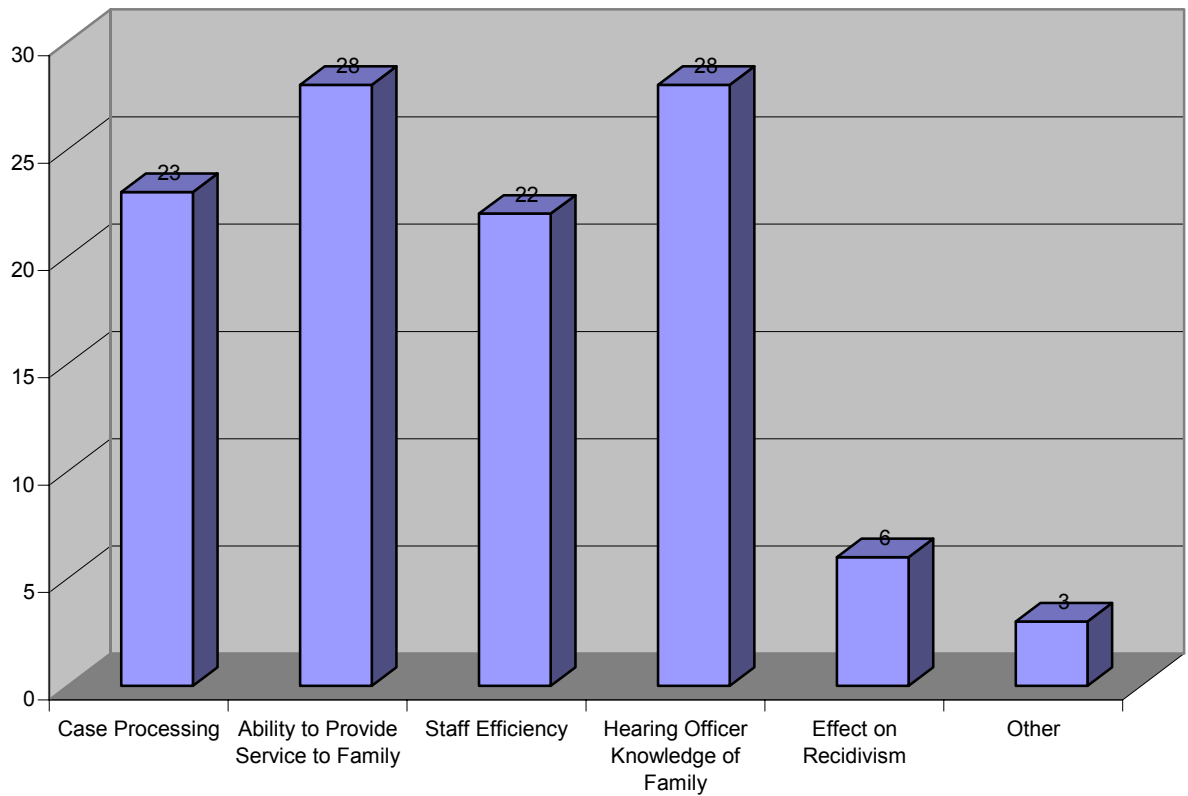


Table Eighteen

Lastly, the survey instrument asked the respondents to identify the negative side of their family division plans by asking, *“What do you consider to be the least positive aspect of your family division?”* Respondents were intentionally given the same set of responses available to them for the question seeking the most positive aspects of their family division. Specifically, the choices were *“Case processing, hearing officer knowledge of family, ability to provide service to family, effect on recidivism, staff efficiency”* and the open choice of *“other.”*

Of those who responded that they do not use the one family – one judge model, the answers they selected were two (2) Case Processing, one (1) Ability to Provide Service to

Family, two (2) Staff Efficiency, one (1) Hearing Officer Knowledge of Family, and one (1) Effect on Recidivism. Three (3) selected “Other,” indicating enforcement at the judicial level, county clerk has control over records and case processing and lastly “none.” By which the respondent indicated there are no negative aspects to the model selected.

Of those who responded that they do use the one family – one judge model, there were fifteen (15) selections for Effect on Recidivism; Nine (9) selected Case Processing. Five (5) selected Ability to Provide Service to Family and Nine (9) selected Staff Efficiency while two (2) selected Hearing Officer Knowledge of Family. Nine (9) selected other for various reasons. Three (3) of these were concerned about case load issues stating there is an “unfair and unequal case loads for judges.” As well as, “We’re all struggling to meet time deadlines and set hearings in a timely fashion. Our dockets are too congested.” One who selected "Other" was concerned about recidivism stating, “we provide wonderful services to the families, however, they don’t utilize the services!” Two respondents could not find fault with their family division plan stating it “doesn’t appear to have any” and “No bad part to plan (but volume is a big factor.)” It should be noted that twelve (12) respondents elected to not respond to this question, although as a rule they had answered all of the earlier questions. Table Nineteen provides this information in a graphic format.

Least Positive Aspects of Your Family Division

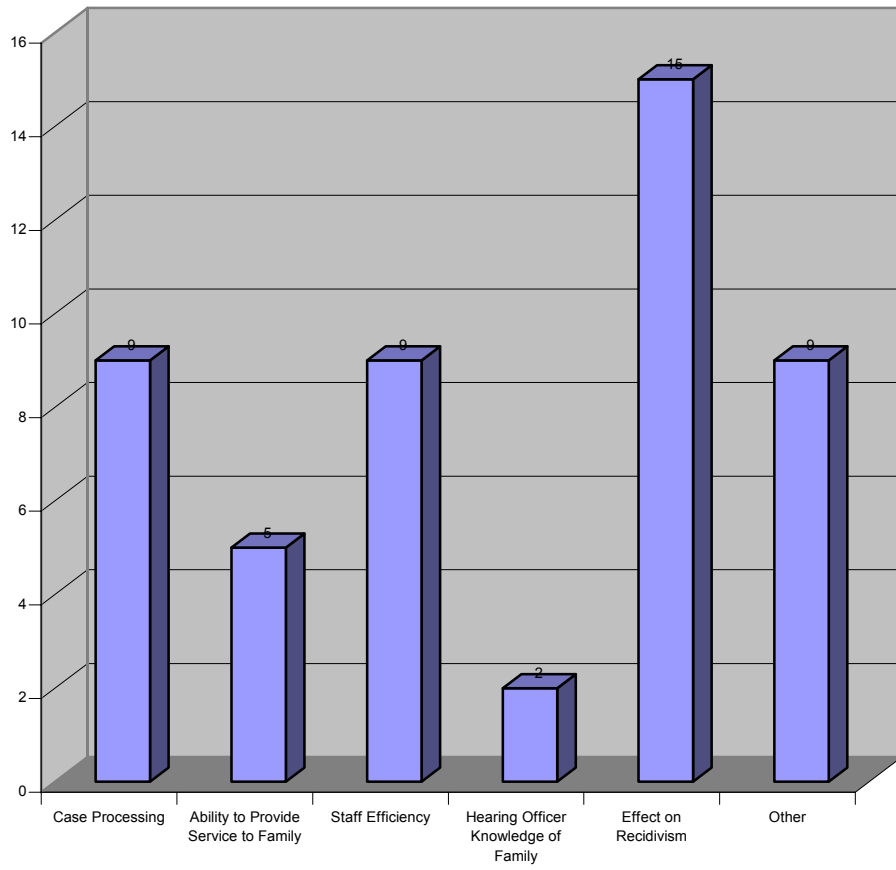


Table Nineteen

Conclusions and Recommendations

A national perspective of the issues involved in the creation of a family division plan was reviewed for this project in the Literature Review Section. While there remains some controversy, both from a Michigan and National perspective, there are clearly many benefits to operating a family court. Every Circuit Court in Michigan was required to develop a family court, and Midland County is no exception to this rule. However, in Michigan, the Supreme Court and the Michigan Legislature allowed each circuit to create a plan that works well for the judiciary and the public that is served.

Midland County's Trial Courts developed and implemented two separate family division plans. They have been reviewed and modified from time to time. It was the goal of this project to engage in a comprehensive, thorough, review of the local family division plan. The aspect of this plan that appears clearest is that the model is based upon assignment of cases by case type. The alternate model used most frequently is assignment of cases by using a one family – one judge model.

The case type model carries with it a large amount of history. It results in cases being assigned to judges much as they would have been prior to the advent of family court. This can be advantageous for the community, as the individual jurists who sought election knew what their areas of expertise were and were able to run for the most appropriate positions. This can be advantageous for the electorate, as they know the leadership and ethical considerations of the individuals they choose for the various courts.

To determine if changes should be made, two distinct survey instruments were used for this project. The first was a local survey sent to the members of the local bar, judiciary and courthouse employees. One of the largest questions being asked by this survey, from the perspective of creating a recommendation to the judiciary, was “should the current judicial assignment method continue?” The response, by seventy-six (76) percent was that the current judicial assignment method should continue. When pressed further, and asked to consider the alternative model based upon one judge – one family, fully sixty-seven (67) percent of the respondents indicated that they would not be willing to consider such a change.

As a basis for going forward, it was thought that perhaps a statewide perspective would provide information that may change that result. When asked about the one judge – one family model, the local respondents were not aware of the statewide results. This was a simple function of the fact that both survey instruments were released at approximately the same time.

As described in this project, both large and small jurisdictions responded to the statewide survey instrument. The vast majority are in fact using a one judge – one family model. According to the responses received, fully eighty-six (86) percent of the respondents are using that model. However, it appears clear when reviewing the responses of those who are not using this model that they are equally satisfied with the level of service they are providing.

Based upon these results, it appears clear to this author that the most logical step to take with regards to Midland County's local family division plan is to not make any significant modifications at this time. Future study is always important and a critical part of planning for the success of any organization. New information has been compiled with this project that, it is hoped, will be considered by the Midland County judiciary. We now know more than ever before about the implications of family division plans across the state and nation. It will be valuable and important for future work that these be considered when we are involved in periodic review of our administrative functions.

APPENDIX ONE

Midland County Family Court Survey

1. Please indicate your current employment position (check one):
 private attorney corporate attorney government attorney
 court employee social service agency other (please specify): _____

2. Please indicate your familiarity with Midland County's Family Court Plan:
 not at all somewhat fairly mostly completely

3. Currently, cases are assigned to a judge based upon the type of proceeding. Do you believe this practice should continue?
 yes no

4. Please indicate your level of satisfaction with Midland County's Family Court Plan:
 not at all somewhat fairly mostly completely

5. An alternative model calls for cases to be assigned based upon a "one judge – one family" concept, whereby a single judge would hear all proceedings related to a family. Do you believe this model should be adopted in Midland County?
 yes no

6. What do you consider to be the most positive aspect of Midland County's current Family Court Plan:
 case processing hearing officer knowledge of family
 ability to provide service to family effect on recidivism
 staff efficiency other (please indicate): _____

7. What do you consider to be the least positive aspect of Midland County's current Family Court Plan:
 case processing hearing officer knowledge of family
 ability to provide service to family effect on recidivism
 staff efficiency other (please indicate): _____

8. Do you have any suggestions that could improve Midland County's Family Court Plan?

Please return via E-Mail to jkole@co.midland.mi.us
By mail to: Jerome Kole, Trial Court Administrator
301 West Main Street
Midland, MI 48640
By Fax to: 837-6596

APPENDIX TWO
Michigan Family Court Survey

1. Please indicate your position with your Court (check one)
 presiding family court judge court administrator
 other (please specify) _____

2. Please indicate the approximate population of the area served by your Court: _____

3. Please indicate the length of time you have served in your current position: _____

4. Please indicate the number of hearing officers in your jurisdiction:
 judges referees

5. Of these, how many are assigned to your Family Division:
 judges referees magistrates

6. Please indicate the type of cases assigned to your Family Division (check all that apply):
 domestic (DO/DM) delinquency (DL) neglect (NA)
 personal protection orders (PPO) name changes (NC)
 other (please specify) _____

7. Does your jurisdiction utilize the “one family-one judge” model?
 yes no
 - a) If **yes**, how are cases assigned to a particular judge?

 - b) If **yes**, how are referees/magistrates utilized in your model?

 - c) If **yes**, do you believe this is a good model for other jurisdictions?

 - d) if **no**, how are cases assigned in your family court?

8. What do you consider to be the most positive aspect of your family division (check all that apply)
 case processing hearing officer knowledge of family
 ability to provide service to family effect on recidivism
 staff efficiency other (please indicate) _____

9. What do you consider to be the least positive aspect of your family division (check all that apply)
 case processing hearing officer knowledge of family
 ability to provide service to family effect on recidivism
 staff efficiency other (please indicate) _____

Please return via E-Mail to: jkole@co.midland.mi.us
By mail to: Jerome Kole, Trial Court Administrator
301 West Main Street
Midland, MI 48640
Or By Fax to: 989-837-6596

If you would like a copy of the
Statewide results, please provide
your Email Address:

Thank You for Your Assistance!

APPENDIX THREE

Jerome M. P. Kole

**Trial Court Administrator – Midland County
301 West Main Street
Midland, Michigan 48640**

**(989) 837-6595
(989) 837-6596 Facsimile**

October 9, 2003

Ladies and Gentlemen:

I am writing to you to ask for a few moments of your time.

I am the Trial Court Administrator for Midland County and a student of the National Center for State Courts, Court Executive Development Program. The third phase of the CEDP program requires completion of a research project. I am working on the issues of the Family Court.

The State Court Administrative Office has graciously agreed to assist this project by distributing the attached survey to you via the ASD Mail. I would be very grateful if you could respond to the survey.

I hope to use this information to formulate recommendations, which could improve the Family Division Plan of Midland County. You may find the results interesting as well. To show my appreciation to you for completing the survey, I will supply a copy of the results to you by E Mail.

Once again, thank you for your time!

Very truly yours,

Jerome M. P. Kole

Jerome M. P. Kole
Trial Court Administrator

APPENDIX FOUR

Jerome M. P. Kole

**Trial Court Administrator – Midland County
301 West Main Street
Midland, Michigan 48640**

**(989) 837-6595
(989) 837-6596 Facsimile**

September 15, 2003

Mr. Nial Raaen,
Director of Trial Court Services
Michigan Supreme Court – State Court Administrative Office
PO Box 30048
Lansing, Michigan 48909

Dear Mr. Raaen:

I am writing to again thank you and Mr. Ferry for your support of my National Center for State Courts “Phase III” Research Project.

With this letter, I am enclosing a copy of my proposed survey instrument. This is the item that I would like to submit for distribution by ASD Mail. I am also enclosing a proposed letter that could be sent as a cover sheet for the survey.

I would appreciate your comments on these items and, if they are acceptable, their distribution via ASD Mail. For my study, it would be very helpful if you could indicate any statistical information available regarding the people who receive the ASD Mail.

Again, I thank you for your assistance.

Very truly yours,

Jerome M. P. Kole

Jerome M. P. Kole
Trial Court Administrator

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