

CONCURRENT JURISDICTION PLAN APPLICATION

17th Circuit Court
and
Kent County Probate Court

A. APPLICANT SUMMARY

1. Applicant: 17 th Circuit Court and Kent County Probate Court		
Address: Kent County Courthouse 180 Ottawa NW		
City: Grand Rapids	State: MI	Zip: 49503
2. Contact Person: Andrew Thalhammer Title: 17 th Circuit Court Administrator		
Address: 180 Ottawa NW, Grand Rapids, MI 49503 Phone: 616.632.5137 Fax: 616.632.5130 E-Mail: Andrew.Thalhammer@kentcountymi.gov		
3. Concurrent Jurisdiction Type <input type="checkbox"/> Circuit, Probate, and District Court Jurisdictions <input checked="" type="checkbox"/> Circuit and Probate Court Jurisdictions <input type="checkbox"/> Circuit and District Court Jurisdictions <input type="checkbox"/> District and Probate Court Jurisdictions		
Chief 17 th Circuit Court Judge (Name): Mark A. Trusock	Signature: 	Date:
Chief Kent County Probate Court Judge David M. Murkowski	Signature: 	Date:

B. Plan

Our existing leadership structure shall continue as is. Specifically, we will continue to have:

*Chief Circuit Judge
Chief Circuit Judge Pro Tem
Presiding Family Court Judge
Presiding Criminal/Civil Judge*

*Chief Probate Judge
Chief Probate Judge Pro Tem*

We will incorporate by reference the Family Plan, Criminal/Civil Plan, all Local Administrative Orders, and all Specialty Court Plans.

All Judges shall initially continue in their existing judicial positions.

If a Judge is working in Probate and that Judge is to be transferred to work in the Circuit Court, it will require the approval of the Chief Circuit Court Judge and the Chief Probate Court Judge

If a Judge is working in the Circuit Court and that Judge is to be transferred to work in the Probate Court, it will require the approval of the Chief Circuit Court Judge and the Chief Probate Court Judge.

This Concurrent Jurisdiction Plan may be modified or amended by majority vote of all judges and approved by the Michigan Supreme Court.

1. CONCURRENT JURISDICTION PLAN GOALS

The Kent County Concurrent Jurisdiction Plan is an agreement between the 17th Circuit Court and Kent County Probate Court. The main goals of the plan are to:

- Facilitate the efficient use of judicial and court personnel and other resources in matters of common interest;
- Promote understanding, communication, and cooperation among the courts and funding units;
- Enhance the delivery of court services to the public;
- Provide a safe and secure environment for persons and property associated with and utilizing judicial and court services;
- Maximize satisfaction and efficiency of all persons utilizing and providing judicial and court services;
- Coordinate docketing and court utilization schedules to improve caseflow management; and
- Build on the collaboration among the courts to improve the administration of justice.

2. JUDICIAL RESOURCES

- Except as otherwise provided, cases will be assigned to the court and to the judges of that court as set forth in the courts' case assignment LAOs (Family Division Plan, Civil/Criminal Division Plan, Specialized Business Docket, and all specialty/problem solving courts) as they may be amended from time to time.
- This Concurrent Jurisdiction Plan does not include a delegation of any of the following:
 - A power of appointment to a public office delegated by constitution or statute to the circuit court or a circuit judge.
 - A power of appointment to a public office delegated by constitution or statute to the probate court or a probate judge.
- Further exceptions:
 - The circuit court has exclusive jurisdiction over condemnation cases commenced under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630
 - The circuit court shall have exclusive jurisdiction over appeals from the district court and from administrative agencies as authorized by law.
 - The circuit court shall have exclusive jurisdiction and power to issue, hear, and determine prerogative and remedial writs consistent with section 13 of Article VI of the State Constitution of 1963.
 - The probate court shall have exclusive jurisdiction over trust and estate matters.
 - A circuit court judge wishing to perform a marriage must obtain a ceremonial assignment from SCAO.

CASE ASSIGNMENTS:

- 17th Circuit Court - 14 circuit judges are assigned to hear cases that fall within the jurisdiction of the circuit court, some judges may be assigned to multiple divisions within the Circuit Court.
 - Civil/Criminal Division – As set forth in Local Administrative Order (currently) 2018-01 – Civil Criminal Division Plan, as it may be amended from time to time, is hereby incorporated by reference, six judges hear all criminal and civil cases (except business court cases). Cases are assigned randomly in a proportion equal to assigned case weights. Each judge serving full-time in the civil/criminal division also has a law clerk (law school graduate). If a judge is unable to hear a matter due to recusal, disqualification, or unavailability, the case is reassigned randomly to another judge.
 - Family Division – As set forth in Local Administrative Order (currently) 2018-02J – Family Division Plan, as it may be amended from time to time, is hereby incorporated by reference, 8 judges are assigned to the family division to hear all domestic relations cases, including divorce, paternity, and support actions, and child abuse neglect and delinquency cases. Cases are assigned randomly in a proportion equal to assigned case weights. If a judge is unable to hear a matter due to recusal, disqualification, or unavailability, the case is reassigned randomly to another judge. The family division judges are supported by seven attorney referees.
 - Specialized Business Docket – As set forth in Local Administrative Order (currently) 2018-04 – Specialized Business Docket, as it may be amended from time to time, is

hereby incorporated by reference, two judges are assigned to the specialized business docket to hear all civil cases assigned to that docket.

- Kent County Probate Court – Two probate judges hear all cases that fall within the jurisdiction of the probate court (except cases included in the Family Court Plan), and name change cases. As set forth in Local Administrative Order 2007-01, as it may be amended from time to time, hereby incorporated by reference, when that judge is unable to hear a matter due to recusal, disqualification, or unavailability, the matter is reassigned first to the Probate Court Chief Judge Pro Tem or, if that judge is also disqualified or unavailable, then to one of the remaining probate judges by blind draw. The court is supported by a probate register who hears certain uncontested matters as defined by statute, court rule, or local administrative order.
- This plan does not change the assignment of any judges, only the case assignment LAOs serve that function.

DISQUALIFICATION HEARINGS: If a motion for judicial disqualification is filed, the judge who is the subject of the disqualification motion shall hear the initial motion and rule accordingly. If the judge denies the motion and the moving party requests a subsequent de novo hearing, the de novo hearing will be heard by the Chief Judge of the respective court. If the initial motion involves the chief judge, then the de novo hearing will be assigned one of the other judges by blind draw.

TRANSITION OF CASES: When the current caseload assignment LAO's are amended, some transition of cases may be necessary.

3. COURT GOVERNANCE AND ADMINISTRATION

The chief judges of the circuit and probate courts shall retain all supervisory authority granted by statute and Michigan Court Rule. There is no plan to consolidate chief judge functions or administrative functions at this time. The Circuit Court will retain a Chief Judge, Chief Judge Pro Tem, and Presiding Judges of both the Criminal/Civil Division and the Family Division. The Probate Court will retain a Chief Probate Judge and Chief Probate Judge Pro Tem.

4. HUMAN RESOURCES

No changes or modifications to personnel are contemplated at this time.

5. BUDGET AND FISCAL MANAGEMENT

No changes to the current budget and fiscal management policies and procedures are contemplated at this time.

6. FUNDING UNIT

This Concurrent Jurisdiction Plan will be submitted to each of the court funding units for review to determine if there are any financial implications to implementing the plan.

7. RECORDS MANAGEMENT

No changes to the current records management policies and procedures of each of the courts are contemplated at this time.

8. INFORMATION SYSTEMS

No changes to the current information systems used by each of the courts are contemplated at this time.

9. FACILITIES AND INFRASTRUCTURE

No changes to the current facilities and infrastructure are contemplated at this time.

10. JURY MANAGEMENT

No changes to the current jury management policies and procedures are contemplated at this time.

11. EXTERNAL RELATIONS AND ACCESS TO JUSTICE

This Concurrent Jurisdiction Plan has been developed in consultation with all of the courts in Kent County, including the judges and court administrators of those courts.

Upon adoption of this Concurrent Jurisdiction Plan, persons and entities will be informed of any changes in court policies, procedures, and processes via public media outlets, county bar association communications, and the courts' websites.

12. TRAINING


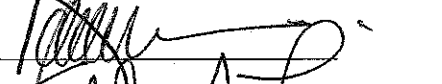







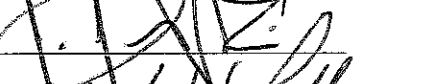
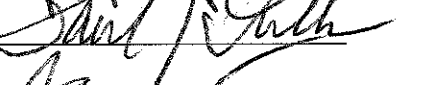

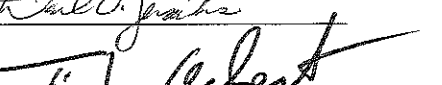


No additional training will be necessary.

13. EFFECTIVE DATE

This plan shall be effective ninety-one (91) days after it is approved by the Michigan Supreme Court.

C. CERTIFICATION OF PLAN APPROVAL

We, the undersigned judges of the 17th Circuit Court and Kent County Probate Court are in support of adopting this Concurrent Jurisdiction Plan.

Judge	Signature	Date
Mark Trusock		6/28/19
David Murkowski		July 29, 19
Kathleen Feeney		6-28-19
Deborah McNabb		6/28/19
Curt Benson		6/28/19
Paul Denenfeld		6/28/19
Christina Elmore		7/8/19
Patricia Gardner		7/1/19
Patrick Hillary		7/8/19
George Quist		6-28-19
Joseph Rossi		7/8/19
Paul Sullivan		6/28/19
Christopher Yates		6/28/19
Daniel Zemaitis		6-28-2019
TJ Ackert		7-9-2019