CASS COUNTY COURTS

Updated Family Court Plan (FCP)
43rd Circuit Court – Family Division

ADMINISTRATIVE ORDER
43rd Circuit Court, 2025-3J
Cass County Probate Court, 2025-3J

Rescinds Administrative Orders 2003-02J (43rd Circuit Court) & 2003-3J (Cass County Probate Court).

IT IS ORDERED:

By agreement of the Circuit Court Judge, Probate Court Judge, and Chief Judge of the Cass County Courts, the Cass County Family Court Division shall be operated as outlined below:

1. INTRODUCTION

A. Authority.

i) This Administrative Order is issued pursuant to MCL 600.1011, as amended by 2002 PA 682, which requires that each judicial circuit establish a family court plan ("FCP" or "the Plan") and pursuant to Supreme Court Administrative Order 2003-2 which requires the family court plan to be submitted for approval to the State Court Administrative Office (SCAO) for filing in accordance with the statute and guidelines provided by the SCAO.

ii) Accordingly, the Circuit Judge and the Probate Judge enter into the agreement outlined in this local administrative order, as approved by the Chief Judge of the Cass County Courts, to reaffirm the establishment and continuation of the Cass County Family Court Division and outline how the family division will be operated and how services will be coordinated. The Chief Judge of the Cass County Courts has the authority to determine the duration of a judge's service under the FCP in furtherance of this goal. As this court has a multi-judge family division, the Chief Judge has selected a presiding Family Division Judge to exercise administrative and supervisory duties as outlined in the order below.

B. Definitions.

i) Chief Judge shall refer to the Chief Judge of all the Cass County Courts as appointed by the Supreme Court according to MCR 8.110.

ii) Circuit Court Judge shall refer to the elected Circuit Court Judge, as Cass County only has one elected Circuit Court Judge.

iii) Probate Court Judge shall refer to the elected Probate Court Judge, as Cass County only has one elected Probate Court Judge.

iv) Presiding Family Court Judge shall refer to the Family Division Judge selected by the Chief Judge of the Cass County Courts to oversee administration of the Family Court Division as outlined in this LAO.

v) Family means individuals who are related as husband and wife, parent, stepparent, guardian, child, or sibling. An action may still be deemed to involve a "family" even when an unrelated individual is involved as a complainant or a party.

vi) Family Court Plan (FCP) shall refer to the entire plan outlined in this local administrative order.

vii) Family Member means an individual within the definition of family as defined in section (v) above.

viii) One Family-One Judge. "when two or more matters within the same jurisdiction of the family division of 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 case was assigned." (MCL 600.1023). The term "whenever practicable" is not defined in statute but generally means to the greatest extent possible to further the goals of the family court plan as set forth herein.

ix) Pending means any domestic action(s), including post-judgment filings, that are awaiting judicial determination; or any juvenile proceedings awaiting disposition or resolution.

C. Goals. The goals of this FCP are to:

i) Facilitate division of the family court caseload in a manner that allows for families with domestic relations cases in Cass County to benefit from a "One Family-One Judge" model,

ii) Allow for more efficient case processing and management, and

iii) Enable the judicial officers serving in the Family Court Division to build and maintain critical expertise.

D. Operation. This FCP supersedes prior plans that have been approved for the operation of the 43rd Circuit Court's Family Division.

E. Review. This FCP will be reviewed and revised as follows:

i) Timing. The Chief Judge shall facilitate Reviews no less than every two (2) years and as necessary, such as when family division judicial assignments change.

ii) Reviewers. Reviews shall include participation by the Circuit Court Judge, Probate Court Judge, and the Chief Judge, as well as any other persons deemed necessary by the Chief Judge (referee, court administration, SCAO regional administrator, etc.).

iii) Purpose. Reviews shall be conducted to ensure that the FCP meets the statutory requirements and complies with the Family Court Plan Requirements and Guidelines provided by the SCAO.

iv) Initiation of Review. If there is a change in practice, a change in Judges serving under this plan, or another reason for a Review, requests for Review shall be made to and then coordinated by the Chief Judge.

v) Revisions to FCP. If a Review results in the need for revisions to the FCP, the Chief Judge shall facilitate the drafting, approval, and submission of the same.

2. ADMINISTRATION

A. Assignment of Family Division Judge(s). The Chief Judge has the authority and flexibility to determine a judge's service in the Family Division under MCL 600.1011(3) and MCR 8.110. By signing this FCP, the Chief Judge is exercising this authority and approving the assignment of the Family Division Judges as outlined in this FCP.

B. Family Division Judges. All judges assigned to the Family Division have expressed an interest in overseeing family law cases through the end of their term. Given that Cass County has a single Circuit Court Judge and a single Probate Court Judge, caseloads and statutory requirements dictate that both judges serve as Judges in the Family Division, as well as handling their other specific responsibilities as Circuit Judge and Probate Judge, respectively.

Therefore, the Judges for the Family Division of the 43rd Circuit Court shall be:

i) The Honorable Mark A. Herman, Circuit Court Judge (term started in Family Court January 1, 2017, and ending under this new FCP December 2028), partial assignment, as set forth herein.

ii) The Honorable Carol M. Bealor, Probate Court Judge (term started in Family Court January 1, 2022, and ongoing under this new FCP unless not re-elected in December 2030), full assignment, as set forth herein.

C. Presiding Family Court Judge. Based on expertise and consideration of caseload data and the need to balance caseloads, the Honorable Carol M. Bealor is assigned as the Presiding Family Court Judge until the end of her term (term ongoing unless not re-elected December 2030).

D. Oversight and Supervision. The Presiding Family Court Judge appointed in section 2. C. shall be responsible for general oversight and supervision of the Family Division (subject to the Chief Judge Rule).

E. Judicial Expertise and Training. Each Family Court Judge may attend New Judge Orientation, as well as continuing training consistent with MCJE rules, with encouragement to attend training that informs and enhances the position and current skillset. Training opportunities are provided by the Michigan Judicial Institute (MJI), under MCL 600.1019. The Circuit Court Judge and Probate Court Judge will

intentionally pursue funding and grants to allow attendance at appropriate training events, as well as seek out appropriate free training events through organizations such as MJI to maintain expertise in their docket areas. All Family Division Judges will ensure appropriate training of staff. As resources are made available by MJI and other organizations, Judges and staff will participate in such training.

F. Judicial Service. The Presiding Family Court Judge will serve full time in the family division, under MCL 600.1011(3), so long as sufficient caseload and judicial resources exist covering case types as delineated herein and specifically set forth in 3. G. below. The Circuit Court Judge will serve to cover conflicts and the other case types delineated herein and specifically set forth in 3. G. below.

3. ASSIGNMENT OF CASES

A. Random Case Assignment. Cases are assigned randomly, as provided for under MCR 8.111 or as otherwise provided in this FCP in accordance with 8.112(B), except for those cases including a family member within the jurisdiction of the Family Division.

B. Case Assignment LAO Case assignments are made in accordance with this FCP, the Cass County Courts' Case Assignment LAO, and any other case assignment LAO's in place at the time of the assignment.

C. One Family-One Judge Assignment. The One Family-One Judge definition shall be applied to the assignment of cases in the Family Division to promote the goals of this FCP. When a matter is filed in the Family Division and the family has a pending matter in the Family Division, the new case will be assigned to the same judge assigned to the already pending matter whenever feasible. Felony Non-Support Cases will not be subject to the One Family-One Judge Assignment scheme and shall remain assigned to the Circuit Court Judge who handles all the other felony criminal matters to maintain criminal expertise with this case type.

D. Prior/Already Pending Matters. When cases or motions are filed, the Circuit Court File Room shall review the case inventory and court records to see if the family, as defined in this FCP, has a prior pending matter, as defined in this FCP, and assign the new case or motion in accordance with this FCP. If a Judge notices a case or motion was missed by the Clerk's office that should be assigned to another judge to maintain the One Family-One Judge goal, the Judge shall alert the Circuit Court File room and request reassignment to the appropriate Judge.

E. Case Types. The primary case types of the Family Division are AB, AC, AD, AF, AG, AM, AN, AO, AU, AY, DC, DJ, DL, DM, DO, DP, DS, DZ, EE, EJ, EM, EP, ER, EV, EZ, FH (only felony, non-payment of child support), ID, JA, JG, NA, NB, PH, PJ, PP, PW, TL, UE, UF, UI, UM, UN, VF, and VP (See Appendix B).

F. Ancillary Case Types. The ancillary case types of CA, CY, DD, GA, GL, GM, JA, LG, MI, NC, and PO, are also included as case types in the Cass County Family Division (See Appendix B) and remain assigned to the Probate Court Judge.

G. Judicial Case Allocation. In accordance with Michigan Court Rule 8.11(B), cases will be assigned by case types (See Appendix B) to the two judges serving in the Family Division as follows to maximize judicial resources and to promote more efficient and effective services to families and individuals while promoting the One Family-One Judge Concept to the maximum extent possible:

i) To the Circuit Court Judge, Mark A. Herman, until the end of his term (December 2028):

(a) 50% of case types: PH, PJ, PP, and VP (assigned on an alternating monthly basis or as otherwise agreed by the Circuit Court Judge and the Probate Court Judge);

(b) 100% of case type FH (felony non-support); and

(c) 100% of felonies for designated juvenile cases after preliminary hearing per MCL 712a.2d, 712a.2e, and 712a.4.

ii) To the Probate Court Judge, Carol M. Bealor, ongoing (unless not re-elected at the end of her term (December 2030):

(a) 50% of case types: PH, PJ, PP, and VP (assigned on an alternating monthly basis or as otherwise agreed by the Circuit Court Judge and the Probate Court Judge); and

(b) 100% of case types: DC, DM, DO, DP, DS, DZ, UD, UE, UF, UI, UM, UN, DJ, DL, JG, NA, TL, AB, AC, AD, AF, AG, AM, AN, AO, AU, AY, EE, EJ, EM, EP, ER, EV, EZ, ID, NB, NC, PW, VF, CA, CY, DD, GA, GL, GM, JA, LG, MI, NC, and PO.

H. Concurrent Cases. Cases with a concurrent case (i.e. DP case with a concurrent NA case, a DM case with a concurrent PP case, a GM case with a concurrent DC case, etc.) shall be assigned to the same judge to facilitate the goal of One Family-One Judge. This assignment shall primarily occur through the division of case types, as the majority of the family cases are being assigned to the Probate Court Judge, Carol M. Bealor. However, if there is a case that has a concurrent case that would go to a different judge (such as PH, PJ, PP, and VP cases which are split between the Circuit Court Judge and the Probate Court Judge), the Clerk File Room will assign both cases to the Probate Court Judge unless a conflict or other issue requires the assignment to the Circuit Court Judge. If a Judge catches a concurrent case that needs to be reassigned, they shall notify the Clerk File Room.

I. Docket Management. To ensure the efficient administration of the Family Court Division, the Family Court Division Judges shall communicate regarding the general calendaring of cases (examples of such communication includes, but is not limited to, coordinating jury trial and sentencing docket days to ensure that attorneys routinely needed for Family Court Division Cases can be available and communicating regarding scheduling of PPO months and dockets). It is the goal of this plan to expeditiously handle the case flow and to provide prompt hearing dates for all parties. Prompt hearing dates shall continue to advance the spirit of the FCP to provide better and effective services to families and individuals.

4. REASSIGNMENT OF CASES

A. Disqualifications. Disqualifications will first be handled as described under MCR 8.111(C)(1). Cases must be reassigned first within the court's family division, then within the remaining bench, and finally by SCAO assignment.

B. Transfer. Transfer of cases may occur based upon judicial resources, and transfer will occur if it is intended to promote the spirit of the Family Court Division concept of One Judge-One Family, when practicable. At the end of a judge's service in the Family Court Division, that judge's existing caseload shall be transferred to the successor judge.

C. Dispute. Any dispute on proper reassignment shall be resolved by the Chief Judge.

5. STAFFING AND FACILITIES

A. Administrative Structure. A Family Court Division organizational chart is included as Appendix A.

B. Remote Proceedings. Family Court Judges and Family Court Referees may exercise their discretion to allow remote participation for cases under MC 2.408. Any cases that are conducted remotely must comply with MCR 2.408.

C. Facilities. The current facility is adequate to meet the needs of the Courts and to promote a One Family-One Court Model. The Cass County Law & Courts Building has multiple attorney-client meeting rooms and several victim/witness lobby areas that court users can access. The attorney-client meeting rooms can be used by nursing mothers if needed, and changing stations are included in the public restrooms. An OnBase access terminal room is available for clients to view their electronic court files privately as the court works on becoming paperless. Court users can also access Michigan Legal Help Resources on the OnBase Access Terminal. The Court Rooms, Referee Hearing Rooms, Friend of the Court, File Rooms, Juvenile Probation, District Court Probation, Prosecutor's Office, and Public Defender's Office are all located in the same building on the same floor for ease of access. There is ample free parking in front of the building. The Law & Courts Building is designed to provide safety to court employees and the public as well as to safeguard Court records. Security is present during business hours and conducts security screening at the entry door. The Law & Courts Security Committee meets quarterly to review security and facility needs with all stakeholders present who are needed to make any decisions related to building and space needs.

6. RECORDS MANAGEMENT

A. Clerk of the Court. The Cass County Clerk is designated as the Clerk and custodian of records for the Family Court Division's domestic relations case files. The Juvenile Court Division is designated as the Clerk and records custodian for juvenile case files (DJ, JG, NA). The Probate Court File Room, under the direction of the Probate Register, is designated as the

clerk and custodian of every record created by or filed with the Probate Court and adoption filings and records.

B. Plan Development. The County Clerk has been afforded the opportunity to participate in the development of plans for the management of court records. The Cass County Courts and the Cass County Clerk Register have a Memorandum of Understanding as to the management of the Circuit Court Clerk File Room and actively work together on record and case management. Any letter of concurrence or disagreement with the FCP authored by the County Clerk regarding management of court records shall be submitted to the SCAO with the submission of the FCP for approval.

C. Filing. Court documents for domestic relations cases are filed with the Circuit Court File Room. Court documents for Probate Cases are filed with the Probate Court File Room. Court Documents for Juvenile Cases are filed with the Juvenile Court Division located in the Juvenile Probation Department. All filing locations are located within the Cass County Law & Courts Building, located at 60296 M-62, Cassopolis, MI 49031.

D. Access Point for Information. Information related to filing, records management, and other case processing information can be obtained at the following access points:

i) The Circuit Court File Room is the central point of access for information for the public, citizens, litigants, and attorneys regarding Circuit Court operations, filing processes, and record access for domestic relations cases. The Circuit Court File Room has a general email address for inquiries: ccfileroom@cassco.org, or can be reached by phone at: (269) 445-4416.

ii) The Probate Court File Room is the central point of access for information for the public, citizens, litigants, and attorneys regarding Probate Court operations, filing processes, and record access for probate cases. The Probate Court File Room has a general email address for inquiries: pcfileroom@cassco.org, or can be reached by phone at (269) 445-4453.

iii) The Juvenile Court Division, located within the Juvenile Probation Department, is the central point of access for information for the public, citizens, litigants, and attorneys regarding Juvenile Court operations, filing processes, and record access for juvenile cases. The Juvenile Court Division has a general email address for inquiries: juvenile@cassco.org, or can be reached by phone at (269) 445-1146.

E. Internal Transfer of Files. Family Court Division files are managed electronically in the court's imaging and document management system. Each file room has a system administrator responsible for the overall management of the electronic document system. The system administrators follow a set process for the internal transfer of case files when needed.

F. Technological Access. The Court has an OnBase Document Management System. All cases within the FCP are now live in this system. New cases are filed in this system. Older cases are being backfiled into the system as new filings come in. All Judges and Referees assigned to the Family Division, as well as their support staff, have access to this electronic document system.

G. Public Access. This FCP is posted on the court's website and is otherwise publicly available

upon request.

7. TRANSITION

A. Re-assignment. To the extent that the adoption of this new FCP creates the need to reassign current cases, the Presiding Family Court Judge, Circuit/Probate/Family Court Administrator, and file room supervisors, will work together to create an internal transition plan with a start date of October 1, 2025, to align with the new fiscal year.

B. Coordination of Process. The transition process will consider the multiple systems impacted by re-assignments, including but not limited to OnBase, AS400, WebTCS, PCS, and MiCSES. As such, the process will focus priority on new filings and address older, inactive cases as practical, taking into consideration staffing and other resource issues.

This Order shall be effective upon approval by the State Court Administrative Office.



7/22/2025
Date of Signature

The Honorable Carol Montavon Bealor
CHIEF JUDGE, CASS COUNTY COURTS
PROBATE COURT JUDGE

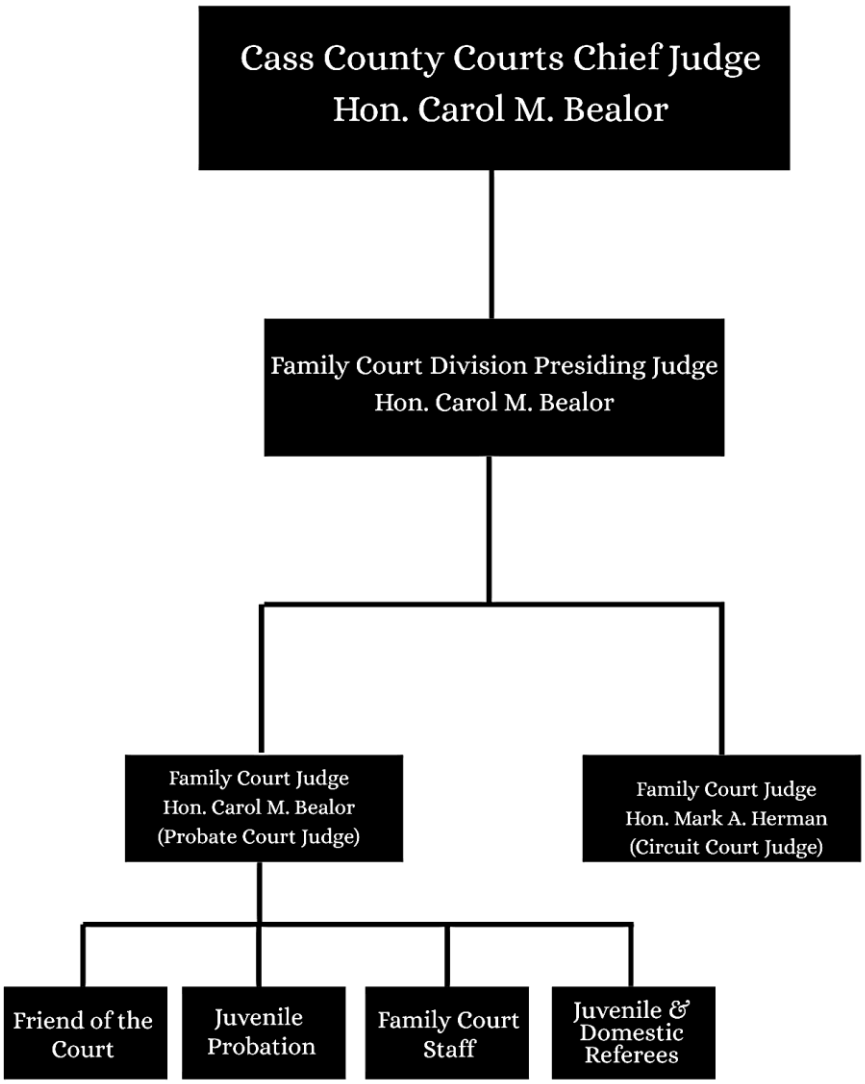


7/22/2025
Date of Signature

The Honorable Mark A. Herman
CIRCUIT COURT JUDGE

Appendix A

Cass County Family Court Division Organizational Chart



- The Chief Judge has the authority and flexibility to determine a judge's service in the Family Division under MCL 600.1011(3).
- Administration of the Family Court Division is subject to the Chief Judge Rule.

Appendix B

SCAO Case Type Codes List (MCR 8.117)

- Custody [DC]. All habeas corpus to obtain custody of a child; order to show cause for custody of a child; other custody, or custody and support proceedings when no divorce action has been filed; or actions under the Uniform Child Custody Jurisdiction Enforcement Act. Also used for intrastate transfers of postjudgment custody or custody and support proceedings where no divorce action has been filed.

- Divorce, Minor Children [DM]. All complaints for divorce, separate maintenance, or annulment when minor children are involved. Also used for intrastate transfers of postjudgment divorce; divorce and custody; or divorce, custody, and support complaints when minor children are involved.

- Divorce, No Children [DO]. All complaints for divorce, separate maintenance, or annulment when no minor children are involved. Also used for intrastate transfers of postjudgment divorce complaints when no minor children are involved.

- Paternity [DP]. All questions of paternity; paternity and custody; or paternity, custody, and support. Also used for intrastate transfers of postjudgment paternity; paternity and custody; or paternity, custody, and support complaints.

- Other Support [DS]. All child support or child support and custody matters under the Family Support Act, and expedited support actions under the Summary Support and Paternity Act. Also used for intrastate transfers of postjudgment child support matters under those Acts.

- Other Domestic Relations Matters [DZ]. All other prejudgment matters involving domestic relations proceedings not otherwise coded. Also used for intrastate transfers of other postjudgment matters involving domestic relations proceedings not otherwise coded.

- Assist with Discovery [UD]. All proceedings to assist with discovery or to compel a response to a discovery order issued by another state's tribunal.

- UIFSA Establishment [UE]. All support and paternity establishment proceedings incoming from another state.

- UIFSA Filing [UF]. All outgoing requests to another state or country initiating enforcement, modification, income withholding, or redirection of support orders not issued in this state.

- UIFSA Initiation [UI]. All support and paternity establishment proceedings outgoing to another state.

- UIFSA Registration of Orders for Modification [UM]. All incoming registrations of another state's orders for the specific purpose of modification.

- UIFSA Registration of Orders for Enforcement [UN]. All incoming registrations of another state's orders for the specific purpose of enforcement.

- Designated Juvenile Offenses [DJ]. All juvenile offenses designated by the prosecutor or court to be heard in the family division of circuit court in the same manner as an adult criminal case is heard in the criminal division of the circuit court.

- Delinquency Proceedings [DL]. All delinquency proceedings initiated by petition under the juvenile code or initiated by Uniform Law Citation for various minor offenses not in the Motor Vehicle Code.

- Juvenile Guardianship [JG]. All juvenile guardianships created by order under the juvenile code, MCL 712A.19a and MCL 712A.19c

- Child Protective Proceedings [NA]. All child protective proceedings initiated by petition under the juvenile code.

- Personal Protection Actions Brought Under the Juvenile Code [PJ]. All petitions seeking a personal protection order against a respondent under the age of 18. Includes proceedings conducted for violation of personal protection orders issued under the juvenile code when heard by a county other than the county that issued the personal protection order. Traffic and Local Ordinance

- [TL]. All traffic and local ordinance issued on a Uniform Law Citation under the Motor Vehicle Code or local corresponding ordinance.

- Adult Adoptions [AB]. All adult adoptions.

- Agency International Adoptions [AC]. All foreign children adoptions.

- Direct Placement Adoptions [AD]. All direct placement adoptions including temporary placements prior to filing of petition for direct placement.

- Relative Adoptions [AF]. All adoptions by relatives including relative guardians, but not including stepparent adoptions.

- Safe Delivery of Newborn Adoptions [AG]. All adoptions resulting from safe delivery of newborn proceedings.

- Permanent Ward Adoptions (state ward or court ward) [AM]. All state or court ward adoptions resulting from child protective proceedings.
- Nonrelative Adoptions [AN]. All adoptions by guardians who are not relatives.

- Agency Other Adoptions [AO]. All other private or public agency adoptions not otherwise designated.

- Adoption Miscellaneous [AU]. Releases for adoption (including those executed out-of-court), ex parte petitions to issue notice of intent to release for adoption, and notices of intent to claim paternity.

- Stepparent Adoptions [AY]. All adoptions by stepparents.

- Extreme Risk Protection Orders, Ex Parte, Minor Respondent [EE]. All extreme risk protection order proceedings under MCL 691.1805 where respondent is under the age of 18 and an ex parte order is requested at case initiation.

- Extreme Risk Protection Orders, Non Ex Parte, Minor Respondent [EJ]. All extreme risk protection order proceedings under MCL 691.1805 where respondent is under the age of 18 and an ex parte order is not requested at case initiation.

- Emancipation of Minor [EM]. All emancipation proceedings initiated under the Status of Minors and Emancipation Act.

- Extreme Risk Protection Orders, Ex Parte, Adult Respondent [EP]. All extreme risk protection order proceedings under MCL 691.1805 where respondent is over the age of 18 and an ex parte order is requested at case initiation.

- Extreme Risk Protection Orders, Non Ex Parte, Adult Respondent [ER]. All extreme risk protection order proceedings under MCL 691.1805 where respondent is over the age of 18 and an ex parte order is not requested at case initiation.

- Extreme Risk Protection Orders, Emergency Request, Adult Respondent [EV]. All extreme risk protection order proceedings under MCL 691.1805 where respondent is over the age of 18 and an immediate emergency order is requested by a law enforcement officer pursuant to MCL 691.1807(4).

- Extreme Risk Protection Orders, Emergency Request, Minor Respondent [EZ]. All extreme risk protection order proceedings under MCL 691.1805 where respondent is under the age of 18 and an immediate emergency order is requested by a law enforcement officer pursuant to MCL 691.1807(4).

- Infectious Disease [ID]. All proceedings under the public health code for treatment of infectious disease or testing for infectious disease.

- Safe Delivery of Newborn Child [NB]. All proceedings involving a newborn child surrendered under MCL 712.1 et seq.

- Name Change [NC]. All name change proceedings.

- Personal Protection Against Stalking [PH]. All personal protection proceedings under MCL 600.2950a when there is no domestic relationship between the parties and the respondent is not under the age of 18.

- Personal Protection in Domestic Relationships [PP]. All personal protection proceedings under MCL 600.2950 and/or MCL 600.2950a when there is a domestic relationship between the parties and the respondent is not under the age of 18.

- Waiver of Parental Consent to Obtain Abortion [PW]. All waiver of parental consent proceedings under the Parental Rights Restoration Act.

- Young Adult Voluntary Foster Care Act [VF]. All petitions filed under MCL 400.655.

- Violation Proceedings on Out-of-County Personal Protection Order - Revised Judicature Act [VP]. All proceedings conducted for violation of personal protection orders issued under MCL 600.2950 or MCL 600.2950a when heard by a county other than the county that issued the personal protection order. This case is filed as "In the Matter of."

- Adult Conservatorship [CA]. All matters involving conservatorship of adults.

- Minor Conservatorship [CY]. All matters involving conservatorship of minors.

- Developmental Disability Guardianship [DD]. All matters involving guardianship of individuals with developmental disability, both adults and minors.

- Adult Guardianship [GA]. All matters involving full guardianship of incapacitated individuals.

- Limited Guardianship of Adult [GL]. All matters involving limited guardianship of incapacitated individuals.

- Minor Guardianship [GM]. All matters involving full guardianship of minors.

- Limited Guardianship of Minor [LG]. All matters involving limited guardianship of minors.

- Protective Orders [PO]. All protective orders requested under the estates and protected individuals code except when filed in conjunction with a petition for conservatorship. All petitions filed under MCL 333.5682 regarding POST forms except when filed in conjunction with a petition for guardianship.

- Judicial Admission [JA]. All matters involving judicial admission of individuals with developmental disability.

- Mental Illness Proceedings [MI]. All mental illness and substance use disorder proceedings brought under the mental health code.