

STATE OF MICHIGAN



NINTH JUDICIAL CIRCUIT COURT
ALEXANDER C. LIPSEY
Chief Circuit/Probate Court Judge

ADMINISTRATIVE DIRECTIVE
Regarding hearings in the 9th Circuit Court – Family Division

IT IS ORDERED:

PREVIOUSLY NOTICED HEARINGS (AS DESIGNATED BY THE COURT) SHALL BE HELD CONSISTENT WITH INITIAL NOTICE BUT WITH THE ADDITIONAL SUA SPONTE NOTICE PROVISION OF ELECTRONIC COMMUNICATION APPROVAL DURING COVID -19 COURT CLOSURE

Background:

Historically, closure of court operations due to emergencies has coincided with Kalamazoo County decisions regarding closure of other county offices (and county owned buildings). For many years, Circuit Court operations were confined to one courthouse, located at 227 West Michigan Avenue. With the creation of the Trial and Family Divisions of the Circuit Court and the court assumption of the operation of the County's Juvenile Home, court operations are now located in separate facilities throughout the community. Some of the facilities house court employees exclusively.

Due to the COVID-19 outbreak, deemed a pandemic by the World Health Organization, and preventative and protective measures being issued by the governor of Michigan, Governor Whitmer, the 9th Circuit Court, Family Division at 1536 Gull Road is closed until April 24, 2020 and/or further notice. The Kalamazoo County Circuit and Probate Courts are aware that the governor of Michigan has implemented Executive Order No. 2020-21 and has ordered non-essential businesses to close.

The Kalamazoo County Circuit and Probate Courts' operations are exempt from closure and travel restrictions. In an effort to protect the health and welfare of staff, hearing officials, parties, litigants, attorneys, participants, witnesses, etc., this Administrative Directive is necessary to continue with the Court's business of conducting essential hearings as deemed essential by the State Court Administrative Office, and/or hearings deemed necessary by the Kalamazoo County Circuit and Probate Courts.

An Administrative Directive is necessary to address the continuation of hearings already previously noticed, but with the additional provision of the use of communication equipment, without the necessity of filing requests or individual orders.

This Administrative Directive is consistent with the Supreme Court Administrative Office (SCAO) Administrative Order 2020-06 dated April 7, 2020. In addition as part of this order, provision is made for judges and referees to participate from locations other than their respective courtrooms and hearing rooms (as necessary) having been approved by the Chief Judge.

AUTHORITY

MCR 2.402 Use of Communication Equipment

MCR 2.119 Motion Practice

MCR 3.203 Service of Notice and Court Documents in Domestic Relations Cases

MCR 3.920 Service of Process, including all sub provisions, including but not limited to Notice of Hearing

MCR 3.921 Persons Entitled to Notice

PROVISIONS

Any previously noticed hearings deemed appropriate to continue as previously scheduled by the Court, shall be held at the SAME date and time as previously noticed, with the additional provision that presence of all of staff, hearing officials, parties, litigants, attorneys, participants, witnesses, etc. shall be permitted by electronic and/or communication equipment, including but not limited to telephonic and video or other electronic devices that permits all those appearing or participating to hear and speak to each other.

Participants' requirement to be present remains consistent with the expectation of the original notice.

Designated court staff shall prepare the notification letter and send to parties in advance of the scheduled hearing.

A verbatim record shall still be made.

This Administrative Directive obviates the necessity for any party to file form 9CC-1309 Request For Use of Communication Equipment for Court Proceeding during the period of court closure for COVID 19.

Judges and referees may participate from a location other than their respective courtrooms and hearing rooms with permission from the Chief Judge.

Dated: 4/7/2020



G. Scott Pierangeli, Presiding Judge of the Family Division

Dated: 4/7/2020



Alexander C. Lipsey, Chief Circuit/Probate Court Judge