

April 8, 2008

ADM File No. 2006-25

Administrative Order No. 2008-1

Pilot Project No. 1
17th Judicial Circuit Court
(Expedited Process in the
Resolution of the Low Conflict
Docket of the Family Division)

On order of the Court, the 17th Judicial Circuit Court is authorized to implement a domestic relations pilot project. The pilot project will study the effectiveness of the use of pleadings that contain nonadversarial language, and the requirement that parents submit parenting time plans to encourage settlements and reduce postjudgment litigation.

The pilot project shall begin April 1, 2008, or as soon thereafter as is possible, and shall remain in effect until July 30, 2009, or until further order of this Court.

The 17th Judicial Circuit Court will track the degree of participation and the overall effectiveness of this pilot project and shall report to and provide information as requested by the State Court Administrative Office.

1. Purpose of the Pilot Project.

The purpose of the pilot project is to study the effectiveness of the use of nonadversarial language in pleadings, judgments, and orders, and the effectiveness of a proposed provision for inclusion of parenting time plans, particularly in relation to the just, speedy, and economical determination of the actions involved in the pilot project and the reduction of postjudgment litigation. Except for matters related to the form of pleadings and orders, requirements for parenting time plans, and the use of nonadversarial language during the pilot project, the Michigan Court Rules govern all other aspects of the cases involved in the pilot project.

2. Construction and Participation.

(a) The 17th Judicial Circuit Court shall determine a method by local administrative order that creates a pool of pilot-project cases and also a pool of control-group cases. The local administrative order shall specify the cases to be included in the pilot project by one of the following methods: the date an action is filed, a specific number of consecutive cases or actions filed, or by the assigned judge.

(b) Participation also shall include postjudgment proceedings in qualifying cases that were included in the pilot pool.

(c) This is a mandatory project. A self-represented party is not excused from the project merely because the individual does not have counsel.

3. Nonadversarial Terms.

The pilot project will incorporate the use of nonadversarial terms, such as “mother” or “parent” instead of “plaintiff” or “defendant.” However, the use of nonadversarial language will not change the roles of parents as custodians for purposes of any state or federal law for which custody is required to be determined. Judgments and orders produced in the pilot project will clearly delineate how custody is to be determined for purposes of state and federal laws that require a person to be designated as a custodian.

4. Procedure.

When an attorney or a pro se parent files a complaint with the clerk’s office, and the clerk’s office determines that the new case meets the requirements of the pilot project, that parent will be given two informational pamphlets explaining the purpose of the project, as well as two sets of instructions for a parenting time plan and two blank forms for proposed parenting time plans. Each of these documents must be approved by the State Court Administrative Office before they are distributed by the court to the parent.

The parent’s attorney or the pro se parent seeking the divorce will be responsible for serving the informational pamphlet regarding parenting time instructions and the proposed parenting time plan on the other parent. The parent’s attorney must ensure that his or her client receives the informational pamphlet containing the parenting time instructions and the proposed parenting time plan.

Each parent must complete the proposed parenting time plan and file it with the court within 28 days of filing his or her initial pleadings. The parents must

also serve the other parent's attorney, or the other parent if that parent is not represented, and the friend of the court with a copy of the proposed parenting time plan.

5. Amendment.

These processes may be amended upon the recommendation of the participating judges, approval of the chief judge, and authorization by the state court administrator.

6. Expiration.

Unless otherwise directed by the Michigan Supreme Court, this pilot program shall continue until July 30, 2009.