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To: <MSC_clerk@courts.mi.gov>
Date: 8/27/2013 12:12 PM
Subject: ADM File No. 2013-24--Personal Protection Order time guidelines

Thank you for the opportunity to comment on ADM File No. 2013-24. I appreciate the efforts to provide timely access to the courts.

It has been my experience that approximately 100% of Personal Protection petitions filed request ex-parte relief. However, upon the court's review of the petition, a hearing whereby both parties may be present may be appropriate if the petitioner will not suffer immediate and irreparable injury, loss or damage in the absence of an ex parte order.

If adjudication is the granting or denial of the petition on its merits, I would recommend alternate language as it is essentially impossible to obtain service and conduct a hearing within 24 hours of filing.

Sometimes in non ex parte adjudicated cases, I adjourn the hearing because the respondent shows up with an attorney and the petitioner then also wishes to be represented by counsel. Sometimes petitioners (and sometimes respondents) do not bring witnesses to the hearing and (to avoid injustice) I adjourn the hearing. Many times in my non-domestic 'neighborhood disputes' I refer the parties to mediation. The same has worked well to resolve the concerns by both parties and bring peace to their community. The ultimate goal always being to solve problems, enable people to feel safe, and keep anyone from being injured or killed.

I would suggest the following alternative:

8. Miscellaneous Family Proceedings.

c. Personal Protection. 100% of all petitions adjudicated on an ex parte basis should be adjudicated within 24 hours of filing. 90% of all petitions not adjudicated on an ex parte basis should be adjudicated within 14 days from the date of filing and 100% within 60 days from the filing.

Judge David A. Hoort

8th Judicial Circuit Court

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"dedicated to the proposition that all men are created equal"