



THIRD JUDICIAL CIRCUIT  
OF MICHIGAN

KATHLEEN M. McCARTHY  
PRESIDING JUDGE  
FAMILY DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVENUE  
DETROIT, MICHIGAN 48226-3413

(313) 224-5481

August 30, 2013

Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

Re: ADM File No. 2013-24

To the Clerk of the Court:

On behalf of the Family Division of the Third Circuit Court, I write to oppose part of Administrative Order (ADM) No. 2013-24. Specifically, the Family Division takes issue with the proposed requirement that 95% of paternity, interstate and family support cases be resolved within 238 days.

Reviewing the attached chart, you will see that for the 12 month period from July 1, 2012 to June 30, 2013, Wayne County Circuit Court did not meet the proposed requirement. One of the reasons the 238 day requirement cannot be met in Wayne County Circuit Court is that, in many cases, the defendant resides out of state or is in prison and the hearing must be adjourned. In quite a few cases, both of these factors are present. A request for genetic testing also causes a delay in the resolution of these matters due in part to the fact that the Department of Human Services does not provide an updated address for the mother. Finally, oftentimes service of process does not occur until months after the filing.

Unlike other counties, about 75% of the Wayne County Circuit Court domestic relations caseload is paternity and family support matters. For that reason, our failure to meet the 238 day requirement for paternity and family support cases has a greater impact on our performance rating than it does for other counties where the domestic relations caseload is predominantly divorce cases.

It is understood that the reduction in ADM No. 2013-24 of the requirement of a 100% resolution of paternity, interstate and family support cases in 238 days to a 95% resolution rate is recognition of the fact that there are various delays in these cases. For Wayne County Circuit

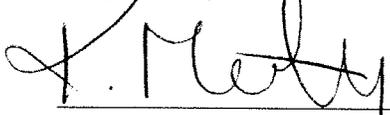
Court, however, this reduction does not take into consideration all of the factors that delay the resolution of these case types.

The Family Division is working diligently to improve the disposition rate of these cases. Work process and staffing resources are being reviewed and improved. Due to the unique nature of our caseload, however, these improvements will not result in compliance with the new guidelines. We would propose either: 1) a decrease to an 80% resolution rate (current proposed rate is 95%) for the 238 day period; or 2) retaining the 95% rate but increasing the number of days for resolution to 364 days (current proposal is 238 days).

Reviewing the attached chart, you will see that a decrease to an 80% resolution rate would result in Wayne County Circuit Court being much closer to full compliance with the 238 day resolution period. The better solution, however, would be to leave the 95% resolution rate but increase the number of days for 95% resolution to 364 days. Under ADM No. 2011-3 and ADM No. 2013-24, courts are given 364 days to resolve divorces. The resolution of a paternity or family support matter in Wayne County Circuit Court can take as long as a divorce. Reviewing the enclosed chart, you will see that an increase to 364 days would bring Wayne County Circuit Court much closer to the proposed 95% resolution rate.

A decrease to an 80% resolution rate within 238 days or an increase to 364 days in which to resolve 95% of these matters, or a combination thereof, would more accurately reflect the unique delays being experienced in Wayne County Circuit Court.

Respectively Submitted,



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Hon. Kathleen McCarthy  
Presiding Judge, Family Division

**Third Circuit Court  
Family Division - Domestic Docket  
Report of Certain Case Types  
filed from July 1, 2012 to June 30, 2013\***

Case Type	Total Cases	SCAO Proposed Guidelines	Resolved within 238 days	Percentage	Resolved within 364 days	Percentage
Paternity (DP)	8,979	238 days/95%	6,192	69%	7,534	84%
Support (DS)	7,780	238 days/95%	6,309	81%	6,795	87%
Domestic Relations (DC, DZ)	404	238 days/95%	329	81%	378	94%
UIFSA (UE)	348	238 days/95%	268	77%	316	91%
Totals	17,511		13,098	75%	15,023	86%

\* This 12 month period is being referenced because it is the first 12 month period that can be tracked due to a change in reporting software.