



Berrien County Trial Court
Administrative Policy
Number: **2020-02**

Subject: **State of Emergency Essential Operations Plan**
Adoption Date: **March 19, 2020, Updated: April 28, 2020**
Authorized by Judicial Council

Berrien County Trial Court Policy – State of Emergency Essential Operations Plan

In accordance with the Michigan Supreme Court Administrative Order 2020-2, 2020-4, and 2020-12 and the governor's Executive Order 2020-59, the Berrien County Trial Court will be limiting all court activity to essential functions only with access to courtrooms and other spaces limited to no more than 10 persons, including staff. This includes the following:

Criminal Proceedings –

1. Pleas, sentencings, arraignments, probation violation arraignments, emergency motions regarding bond, probable cause conferences, and preliminary examinations will be held for in-custody defendants.
2. Processing of criminal extradition matters for in-custody defendants.
3. Review and determination of requests for search warrants pursuant to MCL 780.651.
4. Review and issuance of arrest warrants pursuant to MCL 764.1a for crimes that present a danger to public safety.
5. All other criminal matters, including non-emergency matters where the defendant is not in custody, shall be adjourned.
6. All civil infractions, including trials, will be adjourned. Traffic civil infractions can continue to be handled online, by phone, or by mail.
7. All criminal jury trials shall be adjourned.
8. Other emergency motions will be held at the discretion of the court.

Civil Proceedings –

1. Limited proceedings regarding personal protection orders (PPOs):
 - a. Review and determination of requests for personal protection orders (PPOs) under MCL 600.2950 and 600.2950a.

- b. Review and determination of emergency request to extend a PPO pursuant to MCR 3.707(B)
 - c. Initial hearing for in-custody respondent arrested for alleged violation of PPO to allow court to address issue of bond under MCL 764.15b.
2. All other civil and business court matters, including trials, will be adjourned.

Family Court Proceedings –

1. Review and determine requests for ex parte relief in domestic relations proceedings necessary for the safety and well-being of a litigant and/or children under MC 3.207.
2. Safe delivery of a newborn child proceedings under MCL 712.1 et. seq.
3. Waiver for parental consent proceedings under the Parental Rights Restoration Act, MCL 722.901 et seq.
4. Juvenile delinquency proceedings:
 - a. Hearings required within 24 hours of a juvenile's apprehension or detention pursuant to MCR 3.935 and MCR 3.944.
 - b. Arraignments for in-custody designated and adult court waiver proceedings pursuant to MCR 3.951 and MCR 3.950.
5. Child protective proceedings:
 - a. Hearings required within 24 hours of taking a child into protective custody pursuant to MCR 3.965 and MCR 3.974
 - b. Permanency planning hearings that are required pursuant to MCL 712A.19a.
6. Friend of the court arraignments on bench warrants pursuant to MCR 3.221(B). An arrested individual must be promptly arraigned if the underlying contempt hearing cannot be held within 48 hours. In addition, Friend of the Court offices should set priorities to continue the following services:
 - a. Courts should continue to make staff available to record child support orders in MiCSES as long as there are unrecorded orders so the SDU can send out child support payments.
 - b. To the extent it is safely possible, courts should continue to make staff available to implement income withholding notices so payments can be deducted and paid automatically. To the extent it is not safely possible to

make staff available for this purpose, most income withholding notices should be issued automatically when there is a New Hire Directory match.

- c. To the extent it is safely possible, courts should continue to make staff available to implement national medical support staff available to implement national medical support notices to allow health care coverage to be implemented as quickly as possible.

7. All other family court matters, including trials, will be adjourned.

8. Other emergency motions in the discretion of the court.

Probate Proceedings –

1. Proceedings regarding involuntary mental health treatment under Chapter 4 of the Mental Health Code, including the following:
 - a. Pick-up / transportation orders pursuant to MCL 330.1436 and 330.1426;
 - b. Petitions for initial or continuing involuntary hospitalization pursuant to MCL 300.1472a.
2. Petitions for immediate funeral / burial arrangements pursuant to MCL 700.3206 and 700.3614.
3. Emergency petitions filed by Adult Protective Services under MCL 400.11b(6).
4. Emergency petitions for guardianship pursuant to MCL 700.5312.
5. Emergency conservatorships and other protective orders pursuant to MCL 700.5407 in those cases with immediate pending evictions/foreclosures/shut off notices.
6. Estates where immediate access to residence is necessary under MCL 700.5407.
7. Ex-parte requests for temporary restraining orders.
8. With regard to proceedings involving mental health and guardianship matters, courts shall permit the use of video technology unless a health and safety issue requires an in-person appearance.
9. All other probate court matters will be adjourned.

All Proceedings –

1. Cases to be adjourned as outlined above will be adjourned to a date later than May 18, 2020 unless able to be conducted remotely at the discretion of the jurist.
2. The courthouse locations will be open for emergency filings only as referenced above from 8:30 AM until 1:00 PM daily.
3. The public may still call or email the court with questions or filings during this period of emergency operations.
4. The public may continue to file all non-emergency filings with the court by mail, fax, or e-mail.
 - a. Should an individual file by e-mail, the preferred payment method would be by credit card over the phone. E-mailed filings without ability to pay by credit card will be accepted, but alternate forms of payment **must** be received by May 18, 2020.

Essential Functions and Essential Staffing –

1. All Berrien County Trial Court departments will be operating at essential functions only as indicated above with essential staff **only** to report to the building. This includes all staff in the St. Joseph and Niles courthouses as well as the Berrien County Juvenile Center.
2. Essential staff will be determined by each department head and communicated to staff by the department head.
3. All staff are expected to be available to come to work at any time for the duration of this emergency operations plan.
4. All staff not deemed essential will be paid at regular rate through administrative leave.
5. All staff deemed essential will be paid at regular rate through regular time.
6. Should a staff person be deemed essential to report to work and that individual is unavailable due to illness or some other circumstance, that individual will be required to use their leave bank hours to do so.
7. All previously scheduled and approved vacation requests will be honored. No additional vacation requests will be approved for the duration of this emergency operations plan.

Michigan Supreme Court Administrative Order 2020-12 continues in effect from 3/18/2020 and the updated Berrien County Trial Court Emergency Operations Plan is

effective beginning 4/28/2020. The Michigan Supreme Court AO is in effect through until further order of the court.



Hon. Mabel Johnson Mayfield
Chief Judge, Berrien County Trial Court