

Equal treatment

New court puts family cases on same level as crime, civil issues

BY JUDITH DONER BERNE
SPECIAL WRITER

You know how you have a family doctor. Well now, if you need it, you will have a family judge.

That's the premise behind Oakland County's new Family Division of Circuit Court, officially born the first day of this new year.

State lawmakers have revised the county court system, mandating that Oakland and every other Michigan county establish a Family Division within its circuit court system.

The legislation has the broad goal of promoting more efficient and effective services to families, parents and children. Oakland County has added its own specific aim — to be "family friendly."

Six full-time and one half-time judge have been plucked from both the circuit and probate court benches to deal with cases involving all aspects of domestic relations and juvenile law. And staff from both courts are being trained and cross-trained, even paired with a "buddy" from their "sister" court.

The remaining 1½ probate judges, newly aided by the Clerk of the Probate Court, are restricted to wills, estates and trusts, guardianship and conservatorships of adults, and mental health cases.

The 13 circuit judges who are left will concentrate on criminal and civil matters.

The change is important both philosophically and practically,

Family Division facts

■ **Began:** Jan. 1, 1998.

■ **Mission:** Adjudicates family matters and provides quality services to families in a fair, accessible, expeditious, dignified and responsive forum.

■ **Jurisdiction:** Divorce, child custody, child support, parenting time (visitation), guardianships of minors, child neglect, Personal Protection Orders, adoptions, emergency mental health commitments, paternity, bypass of parental consent for

abortion, and all juvenile concerns from traffic citations to delinquency to the criminal docket.

■ **Judges:** Edward Sosnick (chief circuit judge and presiding family division judge); Eugene Arthur Moore (chief probate judge); Joan Young (circuit); Gene Schneck (circuit); Joan J. McDonald (circuit); Linda Hallmark (probate); Sandra G. Silver (half-time probate).

according to Judge Edward Sosnick, chief justice of Circuit Court and presiding judge of its new Family Division.

"Circuit is the state's highest trial court," Sosnick explains in between telephone calls Monday — the family division's second day in session. "The Legislature is sending a message that family cases belong in the highest court."

"We have really taken a major step here," echoes Judge Joan Young, who has worked closely with Sosnick on the formation and operation of the new division. "Family matters have equal status (with criminal and civil) with the judiciary."

Practically, the concept is "one judge, one family." Whenever a new case is filed, the responsible clerk will determine whether a

prior action is pending or open that involves a member of the same "family." Using a case Sosnick ruled on Monday, here's how it works:

In what Sosnick described as a very emotional case for him personally, the judge awarded custody of an 8-year-old child to the single mother he had lived with most of his life.

That happened despite the petition based on proven evidence by his father, who was never married to the mother, that the child had been left alone, that his mother had a substance abuse problem and that she made poor decisions with regard to male companions.

Sosnick based his judgment on a number of factors, including screening by the Probate Court's psychological clinic — a tool which wasn't available to Circuit Court previously, but now can be used by the Family Division. The bottom line: More damage to the child would be caused by taking him from his mom than leaving him with her.

But the mother must live up to these conditions: she and the boy must continue living with her own mother; they must stay in the same neighborhood so he can attend the same school; he may



Conference: Judge Edward Sosnick talks with a woman and her lawyer during a custody case.

not be left alone; she must not drink and provide verification of her attendance at AA meetings; both she and the boy must continue therapy; if she enters into a relationship, the court must review it.

In addition, the father, who lives in Ontario, Canada, with his wife and two children must have as much time as possible with his son.

Obviously, if any of these conditions are not met, Sosnick

would review it even if it were still a matter handled under the previous system. But now, it's a member of this family — from the grandmother to the child — for

See COURT, A5

CLARIFICATION

The Jan. 1 edition of The Eccentric Newspapers incorrectly reported that James Talley, 35, of Orion Township has a prior conviction and faces a mandatory life in prison sentence if convicted of

pending drug charges.

In fact, Talley has no prior convictions. If convicted of the pending felony charges, he could face a sentence of up to 13 years in prison.



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