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## PROBATE COURT LOCATIONS

House Bill 4455 as introduced  
First Analysis (3-2-95)

Sponsor: Rep. Jessie Dalman  
Committee: Judiciary

### ***THE APPARENT PROBLEM:***

Public Act 189 of 1991 amended the Revised Judicature Act (RJA) to allow the chief probate judge of a county, subject to the approval of the county board of commissioners and the state court administrator, to designate one or more locations in the county (in addition to the county seat) in which probate sessions may be held. Public Act 189 enabled Ottawa County to hold sessions of the probate court in a new facility that is more centrally located than Grand Haven, Ottawa's county seat. The RJA also requires, however, that a probate judge maintain an office at the county seat. Since the Ottawa County Probate Court is to hold sessions at the county's new criminal justice center and not in Grand Haven, many have urged the elimination of the law's requirement that a probate judge maintain an office at the county seat.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Revised Judicature Act to delete language requiring a probate judge to "maintain an office" in the county seat of each county, replacing it with language requiring probate court sessions to be held in the county seat unless an alternative primary location was designated as provided by Public Act 189 of 1991, and that would allow sessions to be held in any city where the circuit court held sessions. The bill would retain language that says that the probate court may maintain an office at any place where sessions of the probate court are held. The bill also would specify that nothing in these provisions would prohibit a judge from holding a hearing regarding someone alleged to be legally incapacitated or mentally ill at any site deemed appropriate by the court as provided by applicable sections of either the Revised Probate Code or the Mental Health Code.

MCL 600.816

### ***BACKGROUND INFORMATION:***

A similar, Senate Bill 851, passed both the House and the Senate in the 1993-94 legislative session, but died in a conference committee. Reportedly, the matters of difference had to do with the siting of district courts of the second class.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency says the bill would not affect state or local budget expenditures. (2-23-95)

### ***ARGUMENTS:***

#### ***For:***

Since Public Act 189 of 1991 amended the RJA to allow alternative locations of sessions of a county's probate court, a probate judge should no longer be subject to a strict requirement that he or she maintain an office at the county seat. The bill would instead link office locations to court locations, saying simply that a probate judge may maintain an office at any place where sessions of the probate court are held.

#### ***For:***

Both the Revised Probate Code and Mental Health Code currently authorize a judge to change the venue of a hearing in order to accommodate persons who, due to their physical or mental condition, could not otherwise attend a hearing involving them. To avoid conflicts with these acts, the bill specifically states that it would not bar a judge from holding a hearing at an alternative site for persons alleged to be legally incapacitated or mentally ill.

### ***POSITIONS:***

There are no positions on the bill.