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BILL ANALYSIS



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Senate Bill 1052 (as reported without amendment)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Revised Judicature Act (RJA) to establish the “family division of circuit court” (family court). Each judicial circuit would have a family court. Except as otherwise provided in the RJA, all provisions of the Act governing the circuit court would apply to the family court. The family court would have sole and exclusive jurisdiction over cases and proceedings, commenced on or after January 1, 1998, involving the following: divorce and related matters under various acts; guardians and conservators, as provided in the Revised Probate Code; treatment or guardianship of mentally ill or developmentally disabled persons under the Mental Health Code; adoption under the Michigan Adoption Code; the commitment to State institutions of children deemed incapable of adoption; a change of name under Chapter XI of Public Act 288 of 1939; delinquent and abused and neglected juveniles under the juvenile code; the status of minors and the emancipation of minors under the emancipation of minors Act; child custody under the Child Custody Act; paternity and child support under the Paternity Act; child support under the Revised Uniform Reciprocal Enforcement of Support Act. The family court also would have concurrent jurisdiction with the district court over cases under the RJA involving personal protection orders.

Judges of the circuit court would have to be assigned to serve as judges of the family court. In a judicial circuit that contained a single county and that had three or more circuit judges, the chief judge of the circuit court would have to assign one or more circuit judges to the family court; in other judicial circuits, the circuit judge or judges would have to sit part-time as judges of the family court. Probate court judges also would have to be assigned to serve as family court judges. In all judicial circuits containing a single county, the chief judge of the circuit court, subject to the approval of the Supreme Court, would have to assign county probate judges to serve as family court judges for all or part of their terms; in judicial circuits containing two or more counties, the Supreme Court would have to assign probate judges of the counties in the circuit to serve part-time as family court judges. A probate judge could be assigned temporarily to serve as a family court judge in a county other than the county in which he or she was elected, to assist another family court judge who was absent from the county or was incapacitated. If a probate judge who was assigned to the family court were not licensed to practice law in Michigan, the judge could be assigned only to matters that he or she could hear while sitting as a probate judge and that originated in his or her county.

MCL 600.225 et al.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The fiscal impact of Senate Bills 1036 through 1047 and 1052 is indeterminate. There could be potential savings to the State due to efficiencies that would be accomplished by the bills, such as the assignment of one judge to different cases that arose with the same family. The impact on the State should not be significant since the bills would mainly shift an existing responsibility from one court to another and not require the performance of new functions that would require additional State or local funding.

Date Completed: 5-28-96

Fiscal Analyst: M. Bain

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.