



SENATE BILL No. 1052

May 22, 1996, Introduced by Senators VAN REGENMORTER, GOUGEON, ROGERS and GEAKE and referred to the Committee on Judiciary.

A bill to amend sections 225, 601, 666, 816, 834, 841, 859, 861, 867, 872, 876, 880, and 880b of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

section 225 as amended by Act No. 185 of the Public Acts of 1990, section 816 as amended by Act No. 14 of the Public Acts of 1995, section 859 as amended by Act No. 308 of the Public Acts of 1986, section 861 as amended by Act No. 318 of the Public Acts of 1982, and sections 872 and 880 as amended and section 880b as added by Act No. 189 of the Public Acts of 1993, being sections 600.225, 600.601, 600.666, 600.816, 600.834, 600.841, 600.859, 600.861, 600.867, 600.872, 600.876, 600.880, and 600.880b of the Michigan Compiled Laws; and to add section 842 and chapter 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 225, 601, 666, 816, 834, 841, 859, 861,
2 867, 872, 876, 880, and 880b of Act No. 236 of the Public Acts of
3 1961, section 225 as amended by Act No. 185 of the Public Acts of
4 1990, section 816 as amended by Act No. 14 of the Public Acts of
5 1995, section 859 as amended by Act No. 308 of the Public Acts of
6 1986, section 861 as amended by Act No. 318 of the Public Acts of
7 1982, and sections 872 and 880 as amended and section 880b as
8 added by Act No. 189 of the Public Acts of 1993, being sections
9 600.225, 600.601, 600.666, 600.816, 600.834, 600.841, 600.859,
10 600.861, 600.867, 600.872, 600.876, 600.880, and 600.880b of the
11 Michigan Compiled Laws, are amended and section 842 and chapter
12 10 are added to read as follows:

13 Sec. 225. (1) The supreme court ~~shall have the right to~~
14 MAY assign a judge of any court to serve as a judge in any other
15 court in this state, except that a nonattorney probate judge may
16 only be assigned to serve as a judge in another county or probate
17 court district. The assignment of a judge under this subsection
18 shall be for a limited period or specific assignment.

19 (2) The authority granted by this section may be exercised
20 by the supreme court at its discretion through its direct order,
21 or through the court administrator. Though the court has a broad
22 discretion, it should particularly consider those cases where the
23 chief judge of a court has asked that another judge be sent to
24 that court and has properly shown any of the following:

25 (a) That the business of that court has increased beyond the
26 capacity of the judge or judges to properly dispose of.

1 (b) That a vacancy exists in the office of the judge of the
2 court.

3 (c) That a judge is unable to discharge the duties of his or
4 her office.

5 (d) Any other sufficient reason.

6 (3) If possible, judges within the same county within which
7 the court is located shall be assigned to serve as judges of that
8 court.

9 (4) Judges assigned pursuant to subsection (1) shall hold
10 court and fulfill the duties of the office just as they would had
11 they been elected in the respective court for the time they were
12 assigned to serve.

13 (5) The county or district control unit responsible for the
14 maintenance and operation of the court shall provide suitable
15 places where judges shall hold court.

16 (6) A judge who is assigned as provided in this section
17 ~~shall receive as salary for each day he or she serves in the~~
18 ~~court \$25.00 or 1/250 of the amount by which the total annual~~
19 ~~salary of a judge of the court to which he or she is assigned~~
20 ~~exceeds his or her total annual salary, whichever amount is~~
21 ~~greater. The salary provided in this subsection is payable by~~
22 ~~the county or district control unit or units that have provided~~
23 ~~an additional salary for the judicial office to which the judge~~
24 ~~is assigned. In addition to that salary, a judge assigned as~~
25 ~~provided in this section shall be~~ IS entitled to receive actual
26 and necessary expenses for travel, meals, and lodging from the
27 county or district control unit or units that are responsible for

1 the maintenance and operation of the court to which the judge is
 2 assigned. The ~~salary and~~ expenses shall be payable at the same
 3 time and in the same manner as provided for the judicial office
 4 to which the judge is assigned. ~~The same source or sources~~
 5 ~~paying the salary shall return to the respective counties in~~
 6 ~~which the assigned circuit or probate judge was appointed or~~
 7 ~~elected, or to the respective district control units of the dis-~~
 8 ~~trict in which an assigned district judge was appointed or~~
 9 ~~elected, for each day served, 1/250 of the annual additional~~
 10 ~~salary paid by those counties or district control units to the~~
 11 ~~judge assigned as provided in this section. The same source or~~
 12 ~~sources paying the salary required by this subsection to a~~
 13 ~~recorder's court judge shall return to the state for each day so~~
 14 ~~served 1/250 of the annual additional salary paid to the~~
 15 ~~recorder's court judge so assigned. As used in this subsection-~~
 16 SECTION, "court" means the various circuits of the circuit court,
 17 the recorder's court of the city of Detroit, the various counties
 18 and probate court districts of the probate court, and the various
 19 districts of the district court.

20 (7) A municipal judge who is assigned as provided in this
 21 section shall be compensated as provided in section 225a.

22 Sec. 601. (1) ~~Circuit courts have~~ THE CIRCUIT COURT HAS
 23 the power and jurisdiction:

24 (A) ~~(+) possessed~~ POSSESSED by courts of record at the
 25 common law, as altered by the STATE constitution ~~and~~ OF 1963,
 26 THE laws of this state, and the rules of the supreme court. ~~→~~
 27 ~~and~~

1 (B) ~~(2) possessed~~ POSSESSED by courts and judges in
2 chancery in England on March 1, 1847, as altered by the STATE
3 constitution ~~and~~ OF 1963, THE laws of this state, and the rules
4 of the supreme court. ~~, and~~

5 (C) ~~(3) prescribed~~ PRESCRIBED by ~~rule~~ THE RULES of the
6 supreme court.

7 (2) THE FAMILY DIVISION OF CIRCUIT COURT HAS JURISDICTION AS
8 PROVIDED IN CHAPTER 10.

9 Sec. 666. (1) The clerk of each circuit COURT and, FOR
10 CASES OR PROCEEDINGS THAT COMMENCED BEFORE JANUARY 1, 1998, THE
11 probate court, shall maintain a registry in which ALL OF THE
12 FOLLOWING shall be entered: ~~the following:~~

13 (a) Certified copies of custody decrees or judgments of
14 other states received for filing.

15 (b) Communications as to the pendency of custody proceedings
16 in other states.

17 (c) Communications concerning a finding of inconvenient
18 forum by a court of another state.

19 (d) Other communications or documents concerning custody
20 proceedings in another state which may affect the jurisdiction of
21 a court of this state or the disposition to be made by it in a
22 custody proceeding.

23 (2) THE FAMILY DIVISION OF CIRCUIT COURT SHALL MAKE 1 CERTI-
24 FIED COPY OR EXEMPLIFICATION OF ANY LETTER OF AUTHORITY OR LETTER
25 OF GUARDIANSHIP AND SHALL FURNISH IT WITHOUT CHARGE TO THE FIDU-
26 CIARY OR THE FIDUCIARY'S ATTORNEY OR GUARDIAN OR GUARDIAN'S
27 ATTORNEY ON REQUEST. THE COURT, WHERE THE ORDER SHALL

1 NECESSARILY BE ENTERED IN THE ADMINISTRATION OF AN ESTATE, SHALL
2 DELIVER TO THE PRINTER OR PUBLISHER A CERTIFIED COPY OF EACH
3 ORDER FOR PUBLICATION.

4 Sec. 816. (1) A probate judge shall hold sessions of the
5 probate court at the county seat of each county, unless an alter-
6 native primary location is designated pursuant to subsection (3),
7 and may hold sessions of the probate court in any city of the
8 county where sessions of the circuit court are authorized by law
9 to be held. A probate judge may maintain an office at any place
10 where sessions of the probate court are held.

11 (2) A probate judge may hold sessions of the court at the
12 regional diagnostic and treatment center assigned to his or her
13 court if sessions are approved by the state court administrator.
14 The center shall provide an area for court sessions to which the
15 public has access.

16 (3) Subject to the approval of the county board of commis-
17 sioners and the state court administrator, the chief probate
18 judge of a county may designate 1 or more places in the county
19 where regular sessions of probate court may be held. A designa-
20 tion made under this subsection shall be delivered to the county
21 clerk.

22 (4) Nothing in this section prohibits a judge from holding a
23 hearing regarding an allegedly legally incapacitated person or an
24 allegedly mentally ill person at any site considered appropriate
25 by the court as provided by section 443 of the revised probate
26 code, Act No. 642 of the Public Acts of 1978, being section
27 700.443 of the Michigan Compiled Laws, or section 456 of the

1 mental health code, Act No. 258 of the Public Acts of 1974, being
2 section 330.1456 of the Michigan Compiled Laws.

3 (5) THE DUTIES OF A PROBATE JUDGE UNDER SUBSECTIONS (2) AND
4 (4) APPLY ONLY TO CASES AND PROCEEDINGS THAT COMMENCE BEFORE
5 JANUARY 1, 1998.

6 Sec. 834. (1) Except as provided in subsection (2), a pro-
7 bate register or deputy probate register is competent to exercise
8 any of the following powers in an uncontested matter or hearing
9 when authorized by general order of the probate judge or chief
10 probate judge of the county in which the probate register or
11 deputy probate register was appointed:

12 (a) Determine whether the petitioner or the petitioner's
13 attorney has complied with the requirements of law and supreme
14 court rules.

15 (b) Take acknowledgments.

16 (c) Administer oaths.

17 (d) Set hearings.

18 (e) Sign notices, citations, and subpoenas.

19 (f) Take testimony required by law or supreme court rules in
20 ALL OF the following MATTERS:

21 (i) Appointment of a fiduciary of an estate of a deceased or
22 minor.

23 (ii) Admission to probate of a will, codicil, or other tes-
24 tamentary instrument.

25 (iii) Change of name of persons; EXCEPT THAT THIS SUBPARA-
26 GRAPH APPLIES ONLY TO NAME CHANGE PROCEEDINGS THAT COMMENCE
27 BEFORE JANUARY 1, 1998.

1 (iv) Determination of heirs.

2 (v) Sale, mortgage, or lease of property.

3 (vi) Assignment of residue of an estate or any part

4 ~~thereof~~ OF THE RESIDUE OF AN ESTATE.

5 (vii) Setting and approval of bonds.

6 (viii) Removal of fiduciaries.

7 (ix) Issuing of a license to marry, if the issuance of the

8 license is authorized under section 1 of Act No. 180 of the

9 Public Acts of 1897, ~~as amended,~~ being section 551.201 of the

10 Michigan Compiled Laws.

11 (2) A probate register or deputy probate register ~~may~~
12 SHALL not enter a judgment. A probate register or deputy probate
13 register ~~may~~ SHALL not exercise any power provided in
14 subsection (1) if the matter or hearing is:

15 (a) For a commitment to, or incarceration in, an institution
16 or facility.

17 (b) For appointment of a guardian of a legally incapacitated
18 person or the appointment of a conservator for a reason other
19 than minority.

20 (c) For or involves a developmentally disabled person.

21 (3) An order made by a probate register or deputy probate
22 register shall be made over the name of the probate judge for
23 whom the order is made, and the probate register or deputy pro-
24 bate register shall place his or her signature under the name of
25 the judge. An act done or order made by the probate register or
26 deputy probate register authorized under this section shall have

1 the same validity, force, and effect as though done or made by
2 the judge.

3 (4) Upon the oral or written request of an interested party
4 made before commencement or during the hearing of the proceeding,
5 the proceeding shall be taken immediately before the judge for
6 trial or hearing of the issues.

7 Sec. 841. The probate court has jurisdiction and power as
8 follows:

9 (a) As conferred upon it under the revised probate code, ACT
10 NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 700.1 TO
11 700.993 OF THE MICHIGAN COMPILED LAWS.

12 (b) As conferred upon it under chapters 10, 11, and 12a of
13 Act No. 288 of the Public Acts of 1939, ~~as amended,~~ being sec-
14 tions 710.21 to ~~712a.28~~ 712A.31 of the Michigan Compiled Laws.
15 HOWEVER, THE JURISDICTION DESCRIBED IN THIS SUBDIVISION APPLIES
16 ONLY TO CASES AND PROCEEDINGS THAT COMMENCE BEFORE JANUARY 1,
17 1998.

18 (c) As conferred upon it under Act No. 258 of the Public
19 Acts of 1974, ~~as amended,~~ being sections 330.1001 to 330.2106
20 of the Michigan Compiled Laws.

21 (d) As conferred upon it under this act.

22 (e) As conferred upon it pursuant to any other law or
23 compact.

24 SEC. 842. ALL OF THE FOLLOWING SHALL PROVIDE ASSISTANCE TO
25 THE CIRCUIT COURT OR PROBATE COURT IN ACCORDANCE WITH THE COURT'S
26 JURISDICTION:

1 (A) THE OFFICE AND FACILITIES OF THE FRIEND OF THE COURT.

2 (B) THE FAMILY COUNSELING SERVICES CREATED UNDER THE CIRCUIT
3 COURT FAMILY COUNSELING SERVICES ACT, ACT NO. 155 OF THE PUBLIC
4 ACTS OF 1964, BEING SECTIONS 551.331 TO 551.344 OF THE MICHIGAN
5 COMPILED LAWS.

6 (C) THE STAFF OF THE JUVENILE DIVISION OF THE PROBATE COURT,
7 FOR CASES AND PROCEEDINGS THAT COMMENCE BEFORE JANUARY 1, 1998.

8 (D) THE COUNTY JUVENILE OFFICERS AND ASSISTANT COUNTY JUVE-
9 NILE OFFICERS APPOINTED UNDER ACT NO. 22 OF THE PUBLIC ACTS OF
10 THE EXTRA SESSION OF 1919, BEING SECTIONS 400.251 TO 400.254 OF
11 THE MICHIGAN COMPILED LAWS.

12 (E) ALL OTHER STATE AND PUBLIC AGENCIES THAT PROVIDE ASSIST-
13 ANCE TO FAMILIES OR JUVENILES.

14 Sec. 859. (1) Following testimony before a probate judge
15 shall be taken by an official court reporter or by an official
16 court recorder on a recording device approved by the state court
17 administrator:

18 (a) Testimony in A contested ~~matters~~ MATTER.

19 (b) Testimony in matters ~~pertaining~~ COMMENCING BEFORE
20 JANUARY 1, 1998, THAT PERTAIN to the admission to a hospital or
21 other facility for mentally ill or developmentally disabled
22 persons.

23 (c) Testimony in ~~matters~~ A MATTER pertaining to ~~persons~~
24 A PERSON having a contagious disease.

25 (d) Testimony in other matters if requested by an interested
26 party.

1 (e) Testimony and other proceedings required by supreme
2 court rule.

3 (2) In matters not governed by subsection (1), testimony
4 before a probate judge, probate register, or deputy probate reg-
5 ister may be given orally without a record being made of the
6 testimony.

7 (3) The reporter or recorder shall keep sufficient index of
8 the testimony and the court shall keep the index and the original
9 notes for ~~at least~~ NOT LESS THAN 10 years. The reporter or
10 recorder need not transcribe the testimony, except when a tran-
11 script is ordered by the court or a party. Except in those cases
12 in which the testimony is transcribed and filed with the record
13 of the case, notes pertaining to a hearing for the admission of
14 any person to a hospital or other place of detention as a men-
15 tally ill or developmentally disabled person or as a person with
16 a contagious disease, shall be destroyed only after the discharge
17 of the person from the hospital or facility.

18 (4) Notes may not be destroyed until after 10 years after
19 the date of the hearing or as provided in subsection (3), which-
20 ever is longer.

21 Sec. 861. A party to a proceeding in the probate court may
22 appeal the following orders as a matter of right to the court of
23 appeals:

24 (a) A final order affecting the rights or interests of any
25 interested person in an estate or trust.

26 (b) An order entered in an adoption proceeding COMMENCED
27 BEFORE JANUARY 1, 1998, under chapter X of Act No. 288 of the

1 Public Acts of 1939, ~~as amended,~~ being sections 710.21 to
2 710.70 of the Michigan Compiled Laws, and appealed in accordance
3 with section 65 of chapter X of Act No. 288 of the Public Acts of
4 1939, ~~as amended,~~ being section 710.65 of the Michigan Compiled
5 Laws.

6 (c) The following final orders entered by the juvenile divi-
7 sion of the probate court REGARDING PROCEEDINGS THAT COMMENCE
8 BEFORE JANUARY 1, 1998:

9 (i) An order of disposition placing a child under the super-
10 vision of the court or removing the child from his or her home.

11 (ii) An order terminating parental rights.

12 (d) A final order in a condemnation case entered under the
13 drain code of 1956, Act No. 40 of the Public Acts of 1956, ~~as~~
14 ~~amended,~~ being sections 280.1 to 280.630 of the Michigan
15 Compiled Laws.

16 Sec. 867. (1) After an appeal is claimed and notice of the
17 appeal is given at the probate court, all further proceedings in
18 pursuance of the order, sentence, or judgment appealed from shall
19 cease until the appeal is determined except as otherwise provided
20 in subsection (2) and in section 65(2) of chapter 10 of Act
21 No. 288 of the Public Acts of 1939, being section 710.65 of the
22 Michigan Compiled Laws, REGARDING A MATTER COMMENCED BEFORE
23 JANUARY 1, 1998.

24 (2) The pendency of an appeal from the juvenile division of
25 the probate court or from an order of the probate court REGARDING
26 A MATTER COMMENCED BEFORE JANUARY 1, 1998 entered pursuant to Act
27 No. 258 of the Public Acts of 1974, ~~as amended,~~ being

1 sections 330.1001 to 330.2106 of the Michigan Compiled Laws,
2 shall not suspend the order unless the court to which the appeal
3 is taken specifically orders the suspension. An application for
4 a delayed appeal from an order of the juvenile division shall be
5 filed within 6 months after entry of the order.

6 Sec. 872. (1) The probate court shall make 1 certified copy
7 or exemplification of any letter of authority or letter of guard-
8 ianship and shall furnish it without charge to the fiduciary or
9 the fiduciary's attorney or guardian or guardian's attorney on
10 request. THIS SUBSECTION APPLIES TO CASES AND PROCEEDINGS THAT
11 COMMENCE BEFORE JANUARY 1, 1998.

12 (2) The probate court, where the order shall necessarily be
13 entered in the administration of an estate, shall deliver to the
14 printer or publisher a certified copy of each order for
15 publication.

16 Sec. 876. A charge shall not be made or shall ~~any~~ A fee
17 be collected on account of, or by reason of, the furnishing of A
18 certified ~~copies~~ COPY in connection with proceedings THAT COM-
19 MENCE BEFORE JANUARY 1, 1998 for the admission and commitment of
20 persons to mental hospitals or any facility or institution main-
21 tained or operated by the state or the federal government for the
22 care of mentally ill or retarded persons, or for determining
23 inheritance tax.

24 Sec. 880. (1) Except as otherwise provided in this section
25 and section 880a, at the time of commencing a civil action or
26 proceeding in the probate court, the party commencing the civil

1 action or proceeding shall pay a filing fee to the probate court
2 register. The amount of the filing fee is as follows:

3 (a) Beginning October 1, 1993 and until October 1, 1994,
4 \$60.00.

5 (b) Beginning October 1, 1994 and until October 1, 1995,
6 \$70.00.

7 (c) Beginning October 1, 1995 and until October 1, 1996,
8 \$80.00.

9 (d) Beginning October 1, 1996 and until October 1, 1997,
10 \$90.00.

11 (e) Beginning October 1, 1997, \$100.00.

12 (2) At the time of commencing a proceeding pursuant to sec-
13 tion 102 of Act No. ~~288~~ 642 of the Public Acts of ~~1939~~ 1978,
14 being section 700.102 of the Michigan Compiled Laws, the party
15 commencing the proceeding shall pay a \$25.00 filing fee to the
16 probate court register.

17 (3) Except as otherwise provided by law, a fee shall not be
18 charged for commencing a proceeding in probate court BEFORE
19 JANUARY 1, 1998 pursuant to any provision of the mental health
20 code, Act No. 258 of the Public Acts of 1974, being sections
21 330.1001 to 330.2106 of the Michigan Compiled Laws, or any provi-
22 sion of chapter XIIA of Act No. 288 of the Public Acts of 1939,
23 being sections 712A.1 to ~~712A.28~~ 712A.31 of the Michigan
24 Compiled Laws.

25 (4) A fee shall not be charged for filing an acknowledgment
26 of paternity in probate court BEFORE JANUARY 1, 1998.

1 (5) A party is not required to pay a fee under this section
2 if the party is the attorney general, department of treasury,
3 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY state
4 public administrator, or administrator of veterans affairs of the
5 United States veterans administration, or an agency of county
6 government.

7 (6) The probate register, on or before the fifth day of the
8 month following the month in which the fees are collected under
9 this section, shall transmit to the county treasurer all fees
10 collected under this section during the preceding month. Within
11 15 days after receiving the fees, the county treasurer shall
12 transmit \$21.00 of each fee collected under subsection (1) to the
13 executive secretary of the Michigan judges retirement system cre-
14 ated by the judges retirement act of 1992, Act No. 234 of the
15 Public Acts of 1992, being sections 38.2101 to 38.2608 of the
16 Michigan Compiled Laws, and the balance of each fee collected
17 under subsection (1) and all fees collected under subsection (2)
18 to the state treasurer for deposit in the state court fund cre-
19 ated by section 151a.

20 Sec. 880b. (1) Except as otherwise provided by law, after
21 the commencement of a civil action or proceeding in the probate
22 court, a party filing a motion, petition, account, objection, or
23 claim shall pay a \$15.00 motion fee to the probate register.

24 (2) A fee shall not be charged under this section in a
25 guardianship or limited guardianship proceeding COMMENCED BEFORE
26 JANUARY 1, 1998, if the moving party is the subject of the
27 proceeding.

1 (3) A fee shall not be charged under this section in a
2 conservatorship proceeding COMMENCED BEFORE JANUARY 1, 1998, if
3 the moving party is the subject of the proceeding, or, in the
4 case of a conservatorship for a minor for a motion to release
5 restricted funds.

6 (4) A party is not required to pay a fee under this section
7 if the party is the attorney general, department of treasury,
8 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY state
9 public administrator, or administrator of veterans affairs of the
10 United States veterans administration, or an agency of county
11 government.

12 (5) The probate register, on or before the fifth day of the
13 month following the month in which any fees are collected under
14 this section, shall transmit to the county treasurer all fees
15 collected under this section during the preceding month. Within
16 15 days after receiving the fees, the county treasurer shall
17 transmit 50% of each fee collected to the state treasurer for
18 deposit in the state court fund created by section 151a, and
19 shall deposit the remaining 50% of each fee in the county general
20 fund for use exclusively for expenses of the probate court, to be
21 first applied toward expenses in adult guardianship proceedings
22 of the independent evaluations, legal counsel, and periodic
23 review mandated by article 4 of the revised probate code, Act
24 No. 642 of the Public Acts of 1978; being sections 700.401 to
25 700.499 of the Michigan Compiled Laws.

CHAPTER 10

1

2 SEC. 1001. THE FAMILY DIVISION OF CIRCUIT COURT IS CREATED
3 AS A DIVISION OF CIRCUIT COURT AND IS ORGANIZED PURSUANT TO THIS
4 CHAPTER.

5 SEC. 1005. EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, ALL
6 PROVISIONS OF THIS ACT GOVERNING THE CIRCUIT COURT APPLY TO THE
7 FAMILY DIVISION OF CIRCUIT COURT.

8 SEC. 1009. EACH JUDICIAL CIRCUIT SHALL HAVE A FAMILY DIVI-
9 SION OF CIRCUIT COURT.

10 SEC. 1011. JUDGES OF THE CIRCUIT COURT SHALL BE ASSIGNED TO
11 SERVE AS JUDGES OF THE FAMILY DIVISION OF CIRCUIT COURT AS
12 FOLLOWS:

13 (A) IN A JUDICIAL CIRCUIT THAT CONTAINS A SINGLE COUNTY AND
14 THAT HAS 3 OR MORE CIRCUIT JUDGES, THE CHIEF JUDGE OF THE CIRCUIT
15 COURT SHALL ASSIGN 1 OR MORE CIRCUIT JUDGES TO THE FAMILY
16 DIVISION.

17 (B) IN A JUDICIAL CIRCUIT OTHER THAN THE JUDICIAL CIRCUITS
18 DESCRIBED IN SUBDIVISION (A), THE JUDGE OR JUDGES OF THE JUDICIAL
19 CIRCUIT SHALL SIT PART-TIME AS JUDGES OF THE FAMILY DIVISION.

20 SEC. 1015. (1) JUDGES OF THE PROBATE COURT SHALL BE
21 ASSIGNED TO SERVE AS JUDGES OF THE FAMILY DIVISION OF CIRCUIT
22 COURT AS FOLLOWS:

23 (A) IN ALL JUDICIAL CIRCUITS CONTAINING A SINGLE COUNTY, THE
24 CHIEF JUDGE OF THE CIRCUIT COURT, SUBJECT TO THE APPROVAL OF THE
25 SUPREME COURT, SHALL ASSIGN PROBATE JUDGES OF THE COUNTY TO SERVE
26 AS JUDGES OF THE FAMILY DIVISION FOR ALL OR PART OF THEIR TERMS.

1 (B) IN JUDICIAL CIRCUITS CONTAINING 2 OR MORE COUNTIES, THE
2 SUPREME COURT SHALL ASSIGN PROBATE JUDGES OF THE COUNTIES IN THE
3 CIRCUIT TO SERVE PART-TIME AS JUDGES OF THE FAMILY DIVISION.

4 (2) A JUDGE OF PROBATE MAY BE ASSIGNED TEMPORARILY TO SERVE
5 AS A JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT IN A COUNTY
6 OTHER THAN THE COUNTY IN WHICH HE OR SHE WAS ELECTED, IN ORDER TO
7 ASSIST ANOTHER JUDGE OF THE FAMILY DIVISION WHO IS ABSENT FROM
8 THAT COUNTY OR IS INCAPACITATED FOR ANY REASON.

9 SEC. 1017. IF A JUDGE OF THE PROBATE COURT WHO IS ASSIGNED
10 TO THE FAMILY DIVISION OF CIRCUIT COURT IS NOT LICENSED TO PRAC-
11 TICE LAW IN THIS STATE, THAT JUDGE MAY ONLY BE ASSIGNED MATTERS
12 THAT HE OR SHE COULD HAVE HEARD WHILE SITTING AS A PROBATE JUDGE
13 AND THAT ORIGINATED IN THE COUNTY IN WHICH HE OR SHE WAS ELECTED
14 AS A JUDGE OF PROBATE.

15 SEC. 1021. (1) THE FAMILY DIVISION OF CIRCUIT COURT HAS
16 SOLE AND EXCLUSIVE JURISDICTION OVER THE FOLLOWING CASES AND PRO-
17 CEEDINGS COMMENCED ON OR AFTER JANUARY 1, 1998:

18 (A) CASES OF DIVORCE AND ANCILLARY MATTERS AS SET FORTH IN
19 THE FOLLOWING STATUTES:

20 (i) CHAPTER 84 OF THE REVISED STATUTES OF 1846, BEING SEC-
21 TIONS 552.1 TO 552.45 OF THE MICHIGAN COMPILED LAWS.

22 (ii) ACT NO. 259 OF THE PUBLIC ACTS OF 1909, BEING SECTIONS
23 552.101 TO 552.104 OF THE MICHIGAN COMPILED LAWS.

24 (iii) ACT NO. 52 OF THE PUBLIC ACTS OF 1911, BEING SECTIONS
25 552.121 TO 552.123 OF THE MICHIGAN COMPILED LAWS.

26 (iv) ACT NO. 379 OF THE PUBLIC ACTS OF 1913, BEING SECTIONS
27 552.151 TO 552.155 OF THE MICHIGAN COMPILED LAWS.

1 (v) THE FRIEND OF THE COURT ACT, ACT NO. 294 OF THE PUBLIC
2 ACTS OF 1982, BEING SECTIONS 552.501 TO 552.535 OF THE MICHIGAN
3 COMPILED LAWS.

4 (vi) ACT NO. 299 OF THE PUBLIC ACTS OF 1905, BEING SECTION
5 552.391 OF THE MICHIGAN COMPILED LAWS.

6 (vii) ACT NO. 42 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS
7 552.401 TO 552.402 OF THE MICHIGAN COMPILED LAWS.

8 (viii) ACT NO. 138 OF THE PUBLIC ACTS OF 1966, BEING SEC-
9 TIONS 552.451 TO 552.459 OF THE MICHIGAN COMPILED LAWS.

10 (ix) THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, ACT
11 NO. 295 OF THE PUBLIC ACTS OF 1982, BEING SECTIONS 552.601 TO
12 552.650 OF THE MICHIGAN COMPILED LAWS.

13 (x) THE INTERSTATE INCOME WITHHOLDING ACT, ACT NO. 216 OF
14 THE PUBLIC ACTS OF 1985, BEING SECTIONS 552.671 TO 552.685 OF THE
15 MICHIGAN COMPILED LAWS.

16 (B) CASES INVOLVING GUARDIANS AND CONSERVATORS AS PROVIDED
17 IN SECTIONS 401 TO 499 OF THE REVISED PROBATE CODE, ACT NO. 642
18 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 700.401 TO 700.499 OF
19 THE MICHIGAN COMPILED LAWS.

20 (C) CASES INVOLVING TREATMENT OF, OR GUARDIANSHIP OF, MEN-
21 TALLY ILL OR DEVELOPMENTALLY DISABLED PERSONS UNDER THE MENTAL
22 HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING SEC-
23 TIONS 330.1001 TO 330.2106 OF THE MICHIGAN COMPILED LAWS.

24 (D) CASES OF ADOPTION AS PROVIDED IN CHAPTER X OF ACT
25 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 710.1 TO
26 710.70 OF THE MICHIGAN COMPILED LAWS.

1 (E) CASES INVOLVING CERTAIN CHILDREN INCAPABLE OF ADOPTION
2 UNDER ACT NO. 271 OF THE PUBLIC ACTS OF 1925, BEING SECTIONS
3 722.531 TO 722.534 OF THE MICHIGAN COMPILED LAWS.

4 (F) CASES INVOLVING A CHANGE OF NAME AS PROVIDED IN CHAPTER
5 XI OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS
6 711.1 TO 711.2 OF THE MICHIGAN COMPILED LAWS.

7 (G) CASES INVOLVING JUVENILES AS PROVIDED IN CHAPTER XIIIA OF
8 ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO
9 712A.31 OF THE MICHIGAN COMPILED LAWS.

10 (H) CASES INVOLVING THE STATUS OF MINORS AND THE EMANCIPA-
11 TION OF MINORS UNDER ACT NO. 293 OF THE PUBLIC ACTS OF 1968,
12 BEING SECTIONS 722.1 TO 722.6 OF THE MICHIGAN COMPILED LAWS.

13 (I) CASES OF CHILD CUSTODY UNDER THE CHILD CUSTODY ACT OF
14 1970, ACT NO. 91 OF THE PUBLIC ACTS OF 1970, BEING SECTIONS
15 722.21 TO 722.29 OF THE MICHIGAN COMPILED LAWS, AND CHILD CUSTODY
16 JURISDICTION AS PROVIDED IN SECTIONS 651 TO 673.

17 (J) CASES INVOLVING PATERNITY AND CHILD SUPPORT UNDER THE
18 PATERNITY ACT, ACT NO. 205 OF THE PUBLIC ACTS OF 1956, BEING
19 SECTIONS 722.711 TO 722.730 OF THE MICHIGAN COMPILED LAWS.

20 (K) CASES INVOLVING CHILD SUPPORT UNDER THE REVISED UNIFORM
21 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, ACT NO. 8 OF THE PUBLIC
22 ACTS OF 1952, BEING SECTIONS 780.151 TO 780.183 OF THE MICHIGAN
23 COMPILED LAWS.

24 (2) THE FAMILY DIVISION OF CIRCUIT COURT HAS JURISDICTION
25 CONCURRENTLY WITH THE DISTRICT COURT OVER CASES COMMENCED AFTER
26 JANUARY 1, 1998, INVOLVING PERSONAL PROTECTION ORDERS UNDER
27 SECTIONS 2950 TO 2950B.

1 SEC. 1031. A FEE SHALL NOT BE CHARGED FOR ANY OF THE
2 FOLLOWING IN THE FAMILY DIVISION OF CIRCUIT COURT:

3 (A) COMMENCING A PROCEEDING UNDER ANY PROVISION OF THE
4 MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING
5 SECTIONS 330.1001 TO 330.2106 OF THE MICHIGAN COMPILED LAWS, OR
6 ANY PROVISION OF CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC ACTS
7 OF 1939, BEING SECTIONS 712A.1 TO 712A.31 OF THE MICHIGAN
8 COMPILED LAWS.

9 (B) FILING AN ACKNOWLEDGMENT OF PATERNITY.

10 (C) FILING A MOTION, PETITION, ACCOUNT, OBJECTION, OR CLAIM
11 IN A GUARDIANSHIP OR LIMITED GUARDIANSHIP PROCEEDING IF THE
12 MOVING PARTY IS THE SUBJECT OF THE PROCEEDING.

13 (D) A CONSERVATORSHIP PROCEEDING IF THE MOVING PARTY IS THE
14 SUBJECT OF THE PROCEEDING, OR IN THE CASE OF A CONSERVATORSHIP
15 FOR A MINOR FOR A MOTION TO RELEASE RESTRICTED FUNDS.

16 SEC. 1033. (1) AT THE TIME OF COMMENCING A GUARDIANSHIP OR
17 LIMITED GUARDIANSHIP PROCEEDING IN THE THE FAMILY DIVISION OF
18 CIRCUIT COURT, THE PARTY COMMENCING THE PROCEEDING SHALL PAY A
19 \$50.00 FILING FEE TO THE FAMILY DIVISION OF CIRCUIT COURT.

20 (2) A PARTY IS NOT REQUIRED TO PAY A FEE UNDER THIS SECTION
21 IF THE PARTY IS THE ATTORNEY GENERAL, DEPARTMENT OF TREASURY,
22 FAMILY INDEPENDENCE AGENCY STATE PUBLIC ADMINISTRATOR, OR ADMIN-
23 ISTRATOR OF VETERANS AFFAIRS OF THE UNITED STATES VETERANS ADMIN-
24 ISTRATION, OR AN AGENCY OF COUNTY GOVERNMENT.

25 (3) THE CLERK OF THE COURT, ON OR BEFORE THE FIFTH DAY OF
26 THE MONTH FOLLOWING THE MONTH IN WHICH ANY FEES ARE COLLECTED
27 UNDER THIS SECTION, SHALL TRANSMIT TO THE COUNTY TREASURER ALL

1 FEES COLLECTED UNDER THIS SECTION DURING THE PRECEDING MONTH.
2 WITHIN 15 DAYS AFTER RECEIVING THE FEES, THE COUNTY TREASURER
3 SHALL TRANSMIT ALL FEES COLLECTED TO THE STATE TREASURER FOR
4 DEPOSIT IN THE STATE COURT FUND CREATED BY SECTION 151A.