

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 808 (as introduced 11-13-97)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 1-23-98

CONTENT

The bill would amend the Revised Judicature Act (RJA) to revise the requirements for the assignment of judges to the family division of circuit court (family court). The bill also would repeal a provision of the RJA specifying that, if a probate court judge who is assigned to the family court is not licensed to practice law in Michigan, the judge may only be assigned matters that he or she could have heard while sitting as a probate judge before January 1, 1998, and that originated in the county in which he or she was elected (MCL 600.1017).

Under the RJA, by July 1, 1997, in each judicial circuit, the chief circuit judge and the chief probate judge had to enter into an agreement establishing a plan for how the family court would operate in that circuit. The plan must provide that the judges assigned to the family court serve in that capacity for the duration of their current terms unless the chief probate or chief circuit judge determines that a change in the family court caseload justifies a change in the number of judges assigned to the family court or the number of judges assigned has been decreased upon recommendation of the Trial Court Assessment Commission. The bill would delete the judicial assignment provision.

The bill specifies, instead, that the plan would have to provide that the duration of a judge's assignment to the family court be consistent with the goal of developing sufficient judicial expertise in the area of family law in order to serve properly the interests of the families and children whose cases were assigned to that judge. The bill also specifies that the chief judge of the circuit court would have the authority and flexibility to determine the duration of a judge's assignment to the family division in furtherance of that goal.

The bill also would require that a judge assigned to the family court receive appropriate training, as required by the Supreme Court.

In addition, the RJA provides that a plan for the assignment of judges to the family court, or a plan for the operation of the family court in counties that are in different judicial circuits, must be reviewed and revised periodically, as necessary, by the chief circuit and chief probate court judges. Under the bill, a plan also would have to be submitted for approval by the Supreme Court.

MCL 600.1011

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in administrative efficiencies by giving the chief judge the flexibility to determine the duration of a judge's assignment to the family division of the circuit court.

Fiscal Analyst: B. Bowerman

S9798\S808SA

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.