

SENATE BILL NO. 808

November 13, 1997, Introduced by Senators VAN REGENMORTER
and DINGELL and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1011 (MCL 600.1011), as added by 1996 PA 388;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1011. (1) Not later than July 1, 1997, in each judi-
2 cial circuit, the chief circuit judge and the chief probate judge
3 or judges shall enter into an agreement that establishes a plan
4 for how the family division will be operated in that circuit and
5 how the services of the agencies listed in section 1043 will be
6 coordinated in order to promote more efficient and effective
7 services to families and individuals. In Wayne county such
8 agreement shall be made by the chief circuit judge, chief probate
9 judge, and the chief judge for Detroit's recorder's court.

1 (2) If, in any judicial circuit, the agreement required
2 under subsection (1) is not entered into on or before July 1,
3 1997, the supreme court shall develop and implement the plan for
4 that judicial circuit.

5 (3) A plan required under subsection (1) shall provide that
6 the ~~judges assigned to the family division serve in that divi-~~
7 ~~sion for the duration of their current terms unless 1 or both of~~
8 ~~the following occur:~~

9 ~~(a) The chief judge of the probate court and the chief judge~~
10 ~~of the circuit court determine that a change in the caseload of~~
11 ~~the family division justifies a change in the number of judges~~
12 ~~assigned to that division.~~

13 ~~(b) The number of judges assigned to the family division has~~
14 ~~been decreased upon recommendation of the trial court assessment~~
15 ~~commission pursuant to section 1013(2).— DURATION OF A JUDGE'S~~
16 ~~ASSIGNMENT TO THE FAMILY DIVISION BE CONSISTENT WITH THE GOAL OF~~
17 ~~DEVELOPING SUFFICIENT JUDICIAL EXPERTISE IN FAMILY LAW TO PROP-~~
18 ~~ERLY SERVE THE INTERESTS OF THE FAMILIES AND CHILDREN WHOSE CASES~~
19 ~~ARE ASSIGNED TO THAT JUDGE. THE CHIEF JUDGE OF THE CIRCUIT COURT~~
20 ~~SHALL HAVE THE AUTHORITY AND FLEXIBILITY TO DETERMINE THE DURA-~~
21 ~~TION OF A JUDGE'S ASSIGNMENT TO THE FAMILY DIVISION IN FURTHER-~~
22 ~~ANCE OF THIS GOAL.~~

23 (4) A JUDGE ASSIGNED TO THE FAMILY DIVISION SHALL RECEIVE
24 APPROPRIATE TRAINING AS REQUIRED BY THE SUPREME COURT.

25 (5) ~~(4)~~ A plan required under subsection (1) may provide
26 that when a judge's assignment to the family division ends, the
27 pending cases of that judge are to be reassigned to the other

1 judge or judges of the family division, or are to be resolved by
2 that judge by temporarily assigning that judge to the family
3 division for that purpose.

4 (6) ~~—(5)—~~ In addition to the assignment of judges of probate
5 to the family division of circuit court, a plan required under
6 subsection (1) in a multicounty circuit may provide that a judge
7 of probate in 1 county in the circuit may be assigned temporarily
8 to assist a judge of probate of another county in the circuit, as
9 needed.

10 (7) ~~—(6)—~~ If a probate court district includes counties that
11 are in different judicial circuits, the chief judge of each judi-
12 cial circuit that includes a county in the probate court district
13 and the chief probate judge or judges in the circuit may enter
14 into an agreement that establishes a plan for how the family
15 division will be operated in the affected circuits and how the
16 services of agencies listed in section 1043 will be coordinated
17 under subsection (1).

18 (8) ~~—(7)—~~ A plan required under subsection (1) or entered
19 into under subsection ~~—(6)—~~ (7) shall be reviewed and revised
20 periodically, as necessary, by the chief circuit judge or judges
21 and the chief probate judge or judges, AND SHALL BE SUBMITTED FOR
22 APPROVAL BY THE SUPREME COURT.

23 Enacting section 1. Section 1017 of the revised judicature
24 act of 1961, 1961 PA 236, MCL 600.1017, is repealed.