

HOUSE BILL No. 5937

June 11, 1998, Introduced by Rep. Wallace and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 601, 841, 861, and 1517 (MCL 600.601,
600.841, 600.861, and 600.1517), as amended by 1996 PA 388; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 601. ~~—(1)—~~ The circuit court has the power and
2 jurisdiction:

3 (a) Possessed by courts of record at the common law, as
4 altered by the state constitution of 1963, the laws of this
5 state, and the rules of the supreme court.

6 (b) Possessed by courts and judges in chancery in England on
7 March 1, 1847, as altered by the state constitution of 1963, the
8 laws of this state, and the rules of the supreme court.

(c) Prescribed by the rules of the supreme court.

~~(2) The circuit court has exclusive jurisdiction over condemnation cases commenced under the drain code of 1956, Act No. 40 of the Public Acts of 1956, being sections 280.1 to 280.630 of the Michigan Compiled Laws.~~

~~(3) The family division of circuit court has jurisdiction as provided in chapter 10.~~

Sec. 841. (1) THE PROBATE COURT HAS SOLE AND EXCLUSIVE JURISDICTION OVER THE FOLLOWING CASES COMMENCED ON OR AFTER JANUARY 1, 1999:

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

(i) 1846 RS 84, MCL 552.1 TO 552.45.

(ii) 1909 PA 259, MCL 552.101 TO 552.104.

(iii) 1911 PA 52, MCL 552.121 TO 552.123.

(iv) 1913 PA 379, MCL 552.151 TO 552.155.

(v) THE FRIEND OF THE COURT ACT, 1982 PA 294, MCL 552.501 TO 552.535.

(vi) 1905 PA 299, MCL 552.391.

(vii) 1949 PA 42, MCL 552.401 TO 552.402.

(viii) 1966 PA 138, MCL 552.451 TO 552.459.

(ix) THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.601 TO 552.650.

(x) THE INTERSTATE INCOME WITHHOLDING ACT, 1985 PA 216, MCL 552.671 TO 552.685.

(B) CASES OF ADOPTION AS PROVIDED IN CHAPTER X OF 1939 PA 288, MCL 710.1 TO 710.70.

1 (C) CASES INVOLVING CERTAIN CHILDREN INCAPABLE OF ADOPTION
2 UNDER 1925 PA 271, MCL 722.531 TO 722.534.

3 (D) CASES INVOLVING A CHANGE OF NAME AS PROVIDED IN CHAPTER
4 XI OF 1939 PA 288, MCL 711.1 TO 711.2.

5 (E) CASES INVOLVING JUVENILES AS PROVIDED IN CHAPTER XIIA OF
6 1939 PA 288, MCL 712A.1 TO 712A.31.

7 (F) CASES INVOLVING THE STATUS OF MINORS AND THE EMANCIPA-
8 TION OF MINORS UNDER 1968 PA 293, MCL 722.1 TO 722.6.

9 (G) CASES OF CHILD CUSTODY UNDER THE CHILD CUSTODY ACT OF
10 1970, 1970 PA 91, MCL 722.21 TO 722.30, AND CHILD CUSTODY JURIS-
11 DICTION AS PROVIDED IN SECTIONS 651 TO 673.

12 (H) CASES INVOLVING PATERNITY AND CHILD SUPPORT UNDER THE
13 PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

14 (I) CASES INVOLVING PARENTAL CONSENT FOR ABORTIONS PERFORMED
15 ON UNEMANCIPATED MINORS UNDER 1990 PA 211, MCL 722.901 TO
16 722.909.

17 (J) CASES INVOLVING CHILD SUPPORT UNDER THE REVISED UNIFORM
18 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, 1952 PA 8, MCL 780.151 TO
19 780.183.

20 (K) CASES INVOLVING PERSONAL PROTECTION ORDERS UNDER SEC-
21 TIONS 2950 AND 2950A.

22 (L) CASES INVOLVING GUARDIANS AND CONSERVATORS AS PROVIDED
23 IN SECTIONS 401 TO 499 OF THE REVISED PROBATE CODE, 1978 PA 642,
24 MCL 700.401 TO 700.499.

25 (M) CASES INVOLVING TREATMENT OF, OR GUARDIANSHIP OF, MEN-
26 TALLY ILL OR DEVELOPMENTALLY DISABLED PERSONS UNDER THE MENTAL
27 HEALTH CODE, 1974 PA 258, MCL 330.1001 TO 330.2106.

1 (2) The probate court ALSO has jurisdiction and power as
2 follows:

3 (a) As conferred upon it under the revised probate code,
4 ~~Act No. 642 of the Public Acts of 1978, being sections 700.1 to~~
5 ~~700.993 of the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.1 TO
6 700.993.

7 (b) As conferred upon it under ~~Act No. 258 of the Public~~
8 ~~Acts of 1974, being sections 330.1001 to 330.2106 of the Michigan~~
9 ~~Compiled Laws~~ 1974 PA 258, MCL 330.1001 TO 330.2106.

10 (c) As conferred upon it under this act.

11 (d) As conferred upon it pursuant to any other law or
12 compact.

13 Sec. 861. A party to a proceeding in the probate court may
14 appeal the following orders as a matter of right to the court of
15 appeals:

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

18 (b) An order entered ~~before January 1, 1998~~ in an adoption
19 proceeding under chapter X of ~~Act No. 288 of the Public Acts of~~
20 ~~1939, being sections 710.21 to 710.70 of the Michigan Compiled~~
21 ~~Laws~~ 1939 PA 288, MCL 710.21 TO 710.70, and appealed in accord-
22 ance with section 65 of chapter X of ~~Act No. 288 of the Public~~
23 ~~Acts of 1939, being section 710.65 of the Michigan Compiled Laws~~
24 1939 PA 288, MCL 710.65.

25 (c) The following final orders entered ~~before January 1,~~
26 ~~1998~~ by the juvenile division of the probate court:

1 (i) An order of disposition placing a child under the
2 supervision of the court or removing the child from his or her
3 home.

4 (ii) An order terminating parental rights.

5 (d) A final order in a condemnation case entered ~~before~~
6 ~~January 1, 1998~~ under the drain code of 1956, ~~Act No. 40 of the~~
7 ~~Public Acts of 1956, being sections 280.1 to 280.630 of the~~
8 ~~Michigan Compiled Laws~~ 1956 PA 40, MCL 280.1 TO 280.630.

9 Sec. 1517. (1) Subject to the approvals required under
10 ~~subsections~~ SUBSECTION (2), ~~and (3),~~ the chief judge of any
11 circuit may designate 1 or more places in the county or counties
12 in that circuit, in addition to the county seat and places other-
13 wise designated by law, where regular terms of circuit court may
14 be held. The designation shall be in writing and shall be deliv-
15 ered to the state court administrator and to the county clerk of
16 each county in the circuit.

17 (2) A designation made under subsection (1) shall not take
18 effect unless the designation is approved by the state court
19 administrator and by the county board of commissioners of each
20 county in the circuit. The approval by a county board of commis-
21 sioners and the state court administrator may be for a specific
22 period of time, and may require that the designation be subject
23 to reapproval by that county board of commissioners and the state
24 court administrator, at intervals determined by that county board
25 of commissioners and the state court administrator.

1 ~~-(3) The family division of circuit court may hold sessions~~
2 ~~of court at any alternative primary location designated under~~
3 ~~section 816.~~

4 ~~(4) If the family division has ancillary jurisdiction in the~~
5 ~~case, a judge of the family division may hold sessions of the~~
6 ~~court at the regional diagnostic and treatment center assigned to~~
7 ~~his or her court if sessions are approved by the state court~~
8 ~~administrator. The center shall provide an area for court ses-~~
9 ~~sions to which the public has access.~~

10 ~~(5) Nothing in this section prohibits a judge from holding a~~
11 ~~hearing regarding an allegedly legally incapacitated person or an~~
12 ~~allegedly mentally ill person at any site considered appropriate~~
13 ~~by the court as provided by section 443 of the revised probate~~
14 ~~code, Act No. 642 of the Public Acts of 1978, being section~~
15 ~~700.443 of the Michigan Compiled Laws, or section 456 of the~~
16 ~~mental health code, Act No. 258 of the Public Acts of 1974, being~~
17 ~~section 330.1456 of the Michigan Compiled Laws.~~

18 Enacting section 1. Chapter 10 of the revised judicature
19 act of 1961, 1961 PA 236, MCL 600.1001 to 600.1071, is repealed.