

SENATE BILL NO. 539

May 27, 1997, Introduced by Senators GEAKE, STALLINGS, SHUGARS, HART, MC MANUS, BOUCHARD, GOUGEON, ROGERS, PETERS and DINGELL and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1021 and 8311 (MCL 600.1021 and 600.8311), section 1021 as added by 1996 PA 388.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1021. (1) Except as otherwise provided by law, the
2 family division of circuit court has sole and exclusive jurisdic-
3 tion over the following cases commenced on or after January 1,
4 1998:

5 (a) Cases of divorce and ancillary matters as set forth in
6 the following statutes:

7 (i) ~~Chapter 84 of the Revised Statutes of 1846, being sec-~~
8 ~~tions 552.1 to 552.45 of the Michigan Compiled Laws 1846 RS 84,~~
9 MCL 552.1 TO 552.45.

1 (ii) ~~Act No. 259 of the Public Acts of 1909, being sections~~
2 ~~552.101 to 552.104 of the Michigan Compiled Laws 1909 PA 259,~~
3 ~~MCL 552.101 TO 552.104.~~

4 (iii) ~~Act No. 52 of the Public Acts of 1911, being sections~~
5 ~~552.121 to 552.123 of the Michigan Compiled Laws 1911 PA 52, MCL~~
6 ~~552.121 TO 552.123.~~

7 (iv) ~~Act No. 379 of the Public Acts of 1913, being sections~~
8 ~~552.151 to 552.155 of the Michigan Compiled Laws 1913 PA 379,~~
9 ~~MCL 552.151 TO 552.155.~~

10 (v) The friend of the court act, ~~Act No. 294 of the Public~~
11 ~~Acts of 1982, being sections 552.501 to 552.535 of the Michigan~~
12 ~~Compiled Laws 1982 PA 294, MCL 552.501 TO 552.535.~~

13 (vi) ~~Act No. 299 of the Public Acts of 1905, being section~~
14 ~~552.391 of the Michigan Compiled Laws 1905 PA 299, MCL 552.391.~~

15 (vii) ~~Act No. 42 of the Public Acts of 1949, being sections~~
16 ~~552.401 to 552.402 of the Michigan Compiled Laws 1949 PA 42, MCL~~
17 ~~552.401 TO 552.402.~~

18 (viii) ~~Act No. 138 of the Public Acts of 1966, being sec-~~
19 ~~tions 552.451 to 552.459 of the Michigan Compiled Laws 1966 PA~~
20 ~~138, MCL 552.451 TO 552.459.~~

21 (ix) The support and parenting time enforcement act, ~~Act~~
22 ~~No. 295 of the Public Acts of 1982, being sections 552.601 to~~
23 ~~552.650 of the Michigan Compiled Laws 1982 PA 295, MCL 552.601~~
24 ~~TO 552.650.~~

25 (x) The interstate income withholding act, ~~Act No. 216 of~~
26 ~~the Public Acts of 1985, being sections 552.671 to 552.685 of the~~
27 ~~Michigan Compiled Laws 1985 PA 216, MCL 552.671 TO 552.685.~~

1 (b) Cases of adoption as provided in chapter X of ~~Act~~
2 ~~No. 288 of the Public Acts of 1939, being sections 710.1 to~~
3 ~~710.70 of the Michigan Compiled Laws~~ 1939 PA 288, MCL 710.1 TO
4 710.70.

5 (c) Cases involving certain children incapable of adoption
6 under ~~Act No. 271 of the Public Acts of 1925, being sections~~
7 ~~722.531 to 722.534 of the Michigan Compiled Laws~~ 1925 PA 271,
8 MCL 722.531 TO 722.534.

9 (d) Cases involving a change of name as provided in chapter
10 XI of ~~Act No. 288 of the Public Acts of 1939, being sections~~
11 ~~711.1 to 711.2 of the Michigan Compiled Laws~~ 1939 PA 288, MCL
12 711.1 TO 711.2.

13 (e) Cases involving juveniles as provided in chapter XIIIA of
14 ~~Act No. 288 of the Public Acts of 1939, being sections 712A.1 to~~
15 ~~712A.31 of the Michigan Compiled Laws~~ 1939 PA 288, MCL 712A.1 TO
16 712A.32 UNLESS THE CASE INVOLVES A VIOLATION OF SECTION 2(1) OF
17 THE YOUTH TOBACCO ACT, 1915 PA 31, MCL 722.642, OR SECTION 473(1)
18 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.473, WHERE
19 JURISDICTION IS CONCURRENT WITH THE DISTRICT COURT.

20 (f) Cases involving the status of minors and the emancipa-
21 tion of minors under ~~Act No. 293 of the Public Acts of 1968,~~
22 ~~being sections 722.1 to 722.6 of the Michigan Compiled Laws~~ 1968
23 PA 293, MCL 722.1 TO 722.6.

24 (g) Cases of child custody under the child custody act of
25 1970, ~~Act No. 91 of the Public Acts of 1970, being sections~~
26 ~~722.21 to 722.29 of the Michigan Compiled Laws~~ 1970 PA 91, MCL

1 722.21 TO 722.30, and child custody jurisdiction as provided in
2 sections 651 to 673.

3 (h) Cases involving paternity and child support under the
4 paternity act, ~~Act No. 205 of the Public Acts of 1956, being~~
5 ~~sections 722.711 to 722.730 of the Michigan Compiled Laws~~ 1956
6 PA 205, MCL 722.711 TO 722.730.

7 (i) Cases involving parental consent for abortions performed
8 on unemancipated minors under ~~Act No. 211 of the Public Acts of~~
9 ~~1990, being sections 722.901 to 722.909 of the Michigan Compiled~~
10 ~~Laws~~ THE PARENTAL RIGHTS RESTORATION ACT, 1990 PA 211, MCL
11 722.901 TO 722.908.

12 (j) Cases involving child support under the revised uniform
13 reciprocal enforcement of support act, ~~Act No. 8 of the Public~~
14 ~~Acts of 1952, being sections 780.151 to 780.183 of the Michigan~~
15 ~~Compiled Laws~~ 1952 PA 8, MCL 780.15 TO 780.183.

16 (k) Cases involving personal protection orders under sec-
17 tions 2950 and 2950a.

18 (2) The family division of circuit court has ancillary
19 jurisdiction over the following cases commenced on or after
20 January 1, 1998:

21 (a) Cases involving guardians and conservators as provided
22 in sections 401 to 499 of the revised probate code, ~~Act No. 642~~
23 ~~of the Public Acts of 1978, being sections 700.401 to 700.499 of~~
24 ~~the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.401 TO 700.499.

25 (b) Cases involving treatment of, or guardianship of, men-
26 tally ill or developmentally disabled persons under the mental
27 health code, ~~Act No. 258 of the Public Acts of 1974, being~~

1 ~~sections 330.1001 to 330.2106 of the Michigan Compiled Laws~~ 1974
2 PA 258, MCL 330.1001 TO 330.2106.

3 Sec. 8311. (1) The district court ~~shall have~~ HAS juris-
4 diction ~~of~~ OVER:

5 (a) Misdemeanors punishable by a fine or imprisonment not
6 exceeding 1 year, or both.

7 (b) Ordinance and charter violations punishable by a fine or
8 imprisonment, or both.

9 (c) Arraignments, the fixing of bail and the accepting of
10 bonds.

11 (d) Preliminary examinations in all felony cases and misde-
12 meanor cases not cognizable by the district court, but there
13 shall not be a preliminary examination for any misdemeanor to be
14 tried in a district court.

15 (2) THE DISTRICT COURT HAS CONCURRENT JURISDICTION OVER A
16 MISDEMEANOR INVOLVING A VIOLATION OF SECTION 2(1) OF THE YOUTH
17 TOBACCO ACT, 1915 PA 31, MCL 722.642, OR A VIOLATION OF SECTION
18 473(1) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.473, BY A
19 MINOR. IF THE DISTRICT COURT HAS JURISDICTION UNDER THIS SUBSEC-
20 TION, THE DISTRICT COURT SHALL HANDLE THE CASE IN THE SAME MANNER
21 AS THE FAMILY DIVISION OF THE CIRCUIT COURT UNDER CHAPTER XIIA OF
22 1939 PA 288, MCL 712A.1 TO 712A.32.

23 Enacting section 1. This amendatory act does not take
24 effect unless all of the following bills of the 89th Legislature
25 are enacted into law:

26 (a) Senate Bill No. 537.

27

1 (b) Senate Bill No. 538.

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