

**TRIAL COURT CONCURRENT  
JURISDICTION**

**House Bill 6260**

**Sponsor: Rep. Jim Howell**

**Committee: Civil Law and the Judiciary**

**Complete to 8-22-02**

**A SUMMARY OF HOUSE BILL 6260 AS INTRODUCED 8-13-02**

The bill would amend the Revised Judicature Act of 1961 (Public Act 236) to create a new chapter to allow for concurrent trial court jurisdiction. The bill would take effect on April 1, 2003.

Subject to approval from the state supreme court and within certain limitations set forth in the bill, the chief judges of the circuit, district, and probate courts within a county or judicial circuit could adopt plan permitting concurrent jurisdiction among those trial courts. Specifically, the plan could be adopted by the chief judges of the circuit, district, and probate courts; the chief judges of the circuit and probate courts; or the chief judges of the circuit and district courts. The plan could provide for the following:

- The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court or the district court, or both.
- The probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court or district court, or both.
- The district court and one or more district court judges could exercise the power and jurisdiction of the probate court or the circuit court, or both.

However, this provision would not apply to the counties of Genesee, Ingham, Kent, Macomb, Washtenaw, and Wayne, which have district court districts of the third class (that is, a district comprised of one or more political subdivisions within a county and in which each political subdivision composing the district is responsible for maintaining, financing, and operating the district court within its respective political subdivision).

Within those counties listed above, the chief circuit judge and the chief probate judge could adopt a concurrent jurisdiction plan, subject to approval from the state Supreme Court. The plan could provide that the circuit court and one or more judges could exercise the power and jurisdiction of the probate court, or that the probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court, or both.

Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, and Washtenaw, the chief circuit judge, the chief probate judge, and the chief district judge in the county-funded district court district could adopt a concurrent jurisdiction plan, subject to the approval of the state supreme court. The plan could provide for the following:

House Bill 6260 (8-22-02)

- The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court or the county-funded district court, or both.

- The probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court or the county-funded district court, or both.

- The district court and one or more district court judges in the county-funded district court could exercise the power and jurisdiction of the probate court or the circuit court, or both.

Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, the chief circuit judge, the chief probate judge, and the chief district judge in one or more districts within the county could adopt a concurrent jurisdiction plan for the participating trial courts in that county, subject to the approval of the state supreme court. The plan could provide for the following:

- The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court or the participating district courts within the county, or both.

- The probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court or the participating district courts within the county, or both.

- The participating district courts within the county and one or more district court judges could exercise the power and jurisdiction of the probate court or the circuit court, or both.

In all instances, a concurrent jurisdiction plan would have to provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts necessary to implement the plan and to fairly distribute the workload among those judges. A plan would become effective on the first day of the month at least 90 days after the approval of the plan by the supreme court. A plan involving third class districts could include an agreement regarding the allocation of court revenue, other than revenue payable by statute or to libraries or state funds, and court expenses. The agreement would be subject to approval by the county board of commissioners and by the funding units of each participating district.

A concurrent jurisdiction plan adopted pursuant to the bill or Chapter 10 of the act, which pertains to the family division of the circuit court, would not delegate the power of appointment to a public office delegated by the state constitution or statute to the circuit court or circuit judge, probate court or probate judge, or district court or district judge.

A concurrent jurisdiction plan would include an agreement between the chief circuit judge and the chief probate judge or judges in the family division of the circuit court regarding cases in which the family division has sole and exclusive jurisdiction (see MCL 600.1021). In addition, a plan could also include an agreement as to how records of the circuit court, probate court, and district court in the county would be maintained and how such records would be transferred to a judge in a different court hearing the matter as a result of concurrent jurisdiction and the assignment of the case. Such an agreement would be required to be approved by the county clerk.

Notwithstanding a plan for concurrent jurisdiction, the circuit court, probate court, and district court would retain exclusive jurisdiction over certain matters, as follows:

- The probate court would have exclusive jurisdiction over trust and estate matters.
- The district court would have exclusive jurisdiction over small claims and civil infraction actions.
- The circuit court would have exclusive jurisdiction over appeals from the district court and from administrative agencies as authorized by law.
- The circuit court would have exclusive jurisdiction and power to issue, hear, and determine prerogative and remedial writs consistent with Article 6, Section 13 of the state constitution.
- The circuit court would have exclusive jurisdiction to hear and decide matter within the jurisdiction of the court of claims, which is a function of the 30<sup>th</sup> circuit court (Ingham County).

MCL 600.601 and 600.841 et al.

Analyst: M. Wolf

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.