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SFA**BILL ANALYSIS**

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Senate Bill 1400 (as reported without amendment)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to revise provisions pertaining to the organization and jurisdiction of the family division of circuit court (family court). The bill would do the following:

- Require the chief circuit judge and chief probate judge or judges in each judicial circuit, by July 1, 2003, to enter into an agreement establishing a family court plan, and detailing how the services of certain agencies would be coordinated.
- Require the Supreme Court to develop and implement the family court plan for a judicial circuit in which an agreement was not entered into by July 1, 2003.
- Repeal a section of the RJA that requires a chief circuit judge to assign the circuit judges and probate judges who serve in the family court (MCL 600.1013).
- Refer in several provisions to a judge's "service pursuant to the family court plan", rather than a judge's "assignment to" the family court.
- Include cases involving foreign protection orders among the cases over which the family court has jurisdiction.

The bill would require a family court plan to be reviewed and revised periodically, as necessary, by the chief circuit judge or judges and the chief probate judge or judges, and be submitted for approval by the Supreme Court.

A family court plan would have to identify any probate judge serving pursuant to the plan. The bill specifies that a probate judge identified in the plan would have the same power and authority, within the county or probate court district in which he or she served as probate judge, as that of a circuit judge in cases over which the family court has sole and exclusive jurisdiction, in addition to all the power and authority of a probate court judge.

The RJA provides that a family court judge has the same power and authority as a circuit court judge. The bill specifies, instead, that a circuit judge serving in the family court would retain all the power and authority of a circuit court judge.

The bill would take effect on April 1, 2003.

MCL 600.1005 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-13-02

Fiscal Analyst: Bill Bowerman