

Senate Bill 1400

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 1005, 1011, 1019, 1021, and 1023
(MCL 600.1005, 600.1011, 600.1019, 600.1021, and 600.1023), sec-
tions 1005, 1019, and 1023 as added by 1996 PA 388, section 1011
as amended by 1998 PA 298, and section 1021 as amended by 2000
PA 56; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1005. A CIRCUIT judge ~~of~~ SERVING IN the family divi-
2 sion of circuit court ~~has the same~~ RETAINS ALL THE power and
3 authority ~~as~~ OF a judge of the circuit court.

4 Sec. 1011. (1) Not later than July 1, ~~1997~~ 2003, in each
5 judicial circuit, the chief circuit judge and the chief probate
6 judge or judges shall enter into an agreement that establishes a
7 plan ~~for~~ KNOWN AS THE "FAMILY COURT PLAN" THAT DETAILS how the

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1 family division will be operated in that circuit and how the
2 services of the agencies listed in section 1043 will be coordi-
3 nated in order to promote more efficient and effective services
4 to families and individuals. ~~In Wayne county such agreement~~
5 ~~shall be made by the chief circuit judge, chief probate judge,~~
6 ~~and the chief judge for Detroit's recorder's court.~~ IF A PROBATE
7 COURT DISTRICT INCLUDES COUNTIES THAT ARE IN DIFFERENT JUDICIAL
8 CIRCUITS, THE CHIEF JUDGE OF EACH JUDICIAL CIRCUIT THAT INCLUDES
9 A COUNTY IN THE PROBATE COURT DISTRICT AND THE CHIEF PROBATE
10 JUDGE SHALL ENTER INTO A FAMILY COURT PLAN FOR EACH CIRCUIT.

11 (2) If, in any judicial circuit, the agreement required
12 under subsection (1) is not entered into on or before July 1,
13 ~~1997~~ 2003, the supreme court shall develop and implement the
14 FAMILY COURT plan for that judicial circuit.

15 (3) A FAMILY COURT plan required under subsection (1) shall
16 provide that ~~the duration of a judge's assignment to the family~~
17 ~~division~~ A JUDGE'S SERVICE PURSUANT TO THE FAMILY COURT PLAN be
18 consistent with the goal of developing sufficient judicial exper-
19 tise in family law to properly serve the interests of the fami-
20 lies and children whose cases are assigned to that judge. The
21 chief judge of the circuit court shall have the authority and
22 flexibility to determine the duration of a judge's ~~assignment to~~
23 ~~the family division~~ SERVICE PURSUANT TO THE FAMILY COURT PLAN in
24 furtherance of this goal.

25 (4) A judge ~~assigned to the family division~~ SERVING PURSU-
26 ANT TO THE FAMILY COURT PLAN shall receive appropriate training
27 as required by the supreme court.

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1 (5) A FAMILY COURT plan required under subsection (1) may
2 provide that when a judge's ~~assignment to the family division~~
3 SERVICE PURSUANT TO THE FAMILY COURT PLAN ends, the pending cases
4 of that judge are to be reassigned to ~~the other~~ ANOTHER judge
5 or judges ~~of the family division,~~ SERVING PURSUANT TO THE
6 FAMILY COURT PLAN or are to be resolved by that judge. ~~by tempo-~~
7 rarily assigning that judge to the family division for that
8 purpose.

9 ~~(6) In addition to the assignment of judges of probate to~~
10 ~~the family division of circuit court, a plan required under sub-~~
11 ~~section (1) in a multicounty circuit may provide that a judge of~~
12 ~~probate in 1 county in the circuit may be assigned temporarily to~~
13 ~~assist a judge of probate of another county in the circuit, as~~
14 ~~needed.~~

15 ~~(7) If a probate court district includes counties that are~~
16 ~~in different judicial circuits, the chief judge of each judicial~~
17 ~~circuit that includes a county in the probate court district and~~
18 ~~the chief probate judge or judges in the circuit may enter into~~
19 ~~an agreement that establishes a plan for how the family division~~
20 ~~will be operated in the affected circuits and how the services of~~
21 ~~agencies listed in section 1043 will be coordinated under subsec-~~
22 ~~tion (1).~~

23 (6) A FAMILY COURT PLAN REQUIRED UNDER SUBSECTION (1) SHALL
24 SPECIFICALLY IDENTIFY ANY PROBATE JUDGE SERVING PURSUANT TO THE
25 FAMILY COURT PLAN.

26 (7) ~~(8)~~ A FAMILY COURT plan required under subsection (1)
27 ~~or entered into under subsection (7)~~ shall be reviewed and

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1 revised periodically, as necessary, by the chief circuit judge or
2 judges and the chief probate judge or judges, and shall be sub-
3 mitted for approval by the supreme court.

4 Sec. 1019. The Michigan judicial institute shall provide
5 appropriate training for all probate judges and circuit judges
6 who are ~~assigned as judges of the family division~~ SERVING PUR-
7 SUANT TO THE FAMILY COURT PLAN.

8 Sec. 1021. (1) Except as otherwise provided by law, the
9 family division of circuit court has sole and exclusive jurisdic-
10 tion over the following cases commenced on or after January 1,
11 1998:

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

14 (i) 1846 RS 84, MCL 552.1 to 552.45.

15 (ii) 1909 PA 259, MCL 552.101 to 552.104.

16 (iii) 1911 PA 52, MCL 552.121 to 552.123.

17 (iv) 1913 PA 379, MCL 552.151 to 552.156.

18 (v) The friend of the court act, 1982 PA 294, MCL 552.501 to
19 552.535.

20 (vi) 1905 PA 299, MCL 552.391.

21 (vii) 1949 PA 42, MCL 552.401 to 552.402.

22 (viii) The family support act, 1966 PA 138, MCL 552.451 to
23 552.459.

24 (ix) The support and parenting time enforcement act, 1982
25 PA 295, MCL 552.601 to 552.650.

26 (x) The interstate income withholding act, 1985 PA 216,
27 MCL 552.671 to 552.685.

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1 (b) Cases of adoption as provided in chapter X of the
2 probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

3 (c) Cases involving certain children incapable of adoption
4 under 1925 PA 271, MCL 722.531 to 722.534.

5 (d) Cases involving a change of name as provided in chapter
6 XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to ~~711.2~~
7 711.3.

8 (e) Cases involving juveniles as provided in chapter XIIA of
9 the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

10 (f) Cases involving the status of minors and the emancipa-
11 tion of minors under 1968 PA 293, MCL 722.1 to 722.6.

12 (g) Cases of child custody under the child custody act of
13 1970, 1970 PA 91, MCL 722.21 to ~~722.30~~ 722.31, and child cus-
14 tody jurisdiction as provided in ~~sections 651 to 673~~ THE UNI-
15 FORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT, 2001 PA 195,
16 MCL 722.1101 TO 722.1406.

17 (h) Cases involving paternity and child support under the
18 paternity act, 1956 PA 205, MCL 722.711 to 722.730.

19 (i) Cases involving parental consent for abortions performed
20 on unemancipated minors under the parental rights restoration
21 act, 1990 PA 211, MCL 722.901 to 722.908.

22 (j) Cases involving child support under the revised uniform
23 reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to
24 780.183.

25 (k) Cases involving personal protection orders AND FOREIGN
26 PROTECTION ORDERS under sections 2950 ~~and 2950a~~ TO 2950M.

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

4 (a) Cases involving guardians and conservators as provided
5 in article 5 of the estates and protected individuals code, 1998
6 PA 386, MCL 700.5101 to ~~700.5513~~ 700.5520.

7 (b) Cases involving treatment of, or guardianship of, men-
8 tally ill or developmentally disabled persons under the mental
9 health code, 1974 PA 258, MCL 330.1001 to 330.2106.

10 (3) A PROBATE JUDGE IDENTIFIED IN SECTION 1011 AS SERVING
11 PURSUANT TO THE FAMILY COURT PLAN HAS THE SAME POWER AND AUTHORI-
12 TY, WITHIN THE COUNTY OR PROBATE COURT DISTRICT IN WHICH HE OR
13 SHE SERVES AS PROBATE JUDGE, AS THAT OF A CIRCUIT JUDGE OVER
14 CASES DESCRIBED IN SUBSECTION (1), IN ADDITION TO ALL THE POWER
15 AND AUTHORITY OF A JUDGE OF THE PROBATE COURT.

16 Sec. 1023. ~~(1)~~ When 2 or more matters within the juris-
17 diction of the family division of circuit court involving members
18 of the same family are pending in the same judicial circuit,
19 those matters, whenever practicable, shall be assigned to the
20 judge to whom the first such case was assigned.

21 ~~(2) A case that was assigned to a probate judge who subse-~~
22 ~~quently is assigned as a judge of the family division, and that~~
23 ~~is within the jurisdiction of the family division under section~~
24 ~~1021, shall be assigned to that same judge in his or her capacity~~
25 ~~as a judge of the family division of circuit court.~~

26 ~~(3) A case that was assigned to a probate judge who~~
27 ~~subsequently is assigned to the family division, and that is not~~

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1 ~~within the jurisdiction of the family division under section~~
2 ~~1021, shall remain in probate court. The chief circuit judge may~~
3 ~~temporarily assign to probate court the probate judge to whom the~~
4 ~~case was assigned in probate court to preside over the case until~~
5 ~~the case is completed.~~

6 ~~(4) A case commenced in probate court that is transferred to~~
7 ~~the family division of circuit court on January 1, 1998 may be~~
8 ~~reassigned to a judge of the family division, or the probate~~
9 ~~judge to whom the case was assigned may be temporarily assigned~~
10 ~~to the family division to resolve that case.~~

11 Enacting section 1. Section 1013 of the revised judicature
12 act of 1961, 1961 PA 236, MCL 600.1013, is repealed.

13 Enacting section 2. This amendatory act takes effect
14 April 1, 2003.