

Act No. 682
Public Acts of 2002
Approved by the Governor
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**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senator Van Regenmorter

ENROLLED SENATE BILL No. 1400

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 1005, 1011, 1019, 1021, and 1023 (MCL 600.1005, 600.1011, 600.1019, 600.1021, and 600.1023), sections 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:

Sec. 1005. A circuit judge serving in the family division of circuit court retains all the power and authority of a judge of the circuit court.

Sec. 1011. (1) Not later than July 1, 2003, in each judicial circuit, the chief circuit judge and the chief probate judge or judges shall enter into an agreement that establishes a plan known as the "family court plan" that details how the family division will be operated in that circuit and how the services of the agencies listed in section 1043 will be coordinated in order to promote more efficient and effective services to families and individuals. If a probate court district includes counties that are in different judicial circuits, the chief judge of each judicial circuit that includes a county in the probate court district and the chief probate judge shall enter into a family court plan for each circuit.

(2) If, in any judicial circuit, the agreement required under subsection (1) is not entered into on or before July 1, 2003, the supreme court shall develop and implement the family court plan for that judicial circuit.

(3) A family court plan required under subsection (1) shall provide that a judge's service pursuant to the family court plan be consistent with the goal of developing sufficient judicial expertise in family law to properly serve the interests of the families and children whose cases are assigned to that judge. The chief judge of the circuit court shall have the authority and flexibility to determine the duration of a judge's service pursuant to the family court plan in furtherance of this goal.

(4) A judge serving pursuant to the family court plan shall receive appropriate training as required by the supreme court.

(5) A family court plan required under subsection (1) may provide that when a judge's service pursuant to the family court plan ends, the pending cases of that judge are to be reassigned to another judge or judges serving pursuant to the family court plan or are to be resolved by that judge.

(6) A family court plan required under subsection (1) shall specifically identify any probate judge serving pursuant to the family court plan.

(7) A family court plan required under subsection (1) shall be reviewed and revised periodically, as necessary, by the chief circuit judge or judges and the chief probate judge or judges, and shall be submitted for approval by the supreme court.

Sec. 1019. The Michigan judicial institute shall provide appropriate training for all probate judges and circuit judges who are serving pursuant to the family court plan.

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

(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 552.156.

(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) The family support act, 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 the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

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

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

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

(f) Cases involving the status of minors and the emancipation of minors under 1968 PA 293, MCL 722.1 to 722.6.

(g) Cases of child custody under the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31, and child custody jurisdiction as provided in the uniform child-custody jurisdiction and enforcement act, 2001 PA 195, MCL 722.1101 to 722.1406.

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

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

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

(k) Cases involving personal protection orders and foreign protection orders under sections 2950 to 2950m.

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

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

(b) Cases involving treatment of, or guardianship of, mentally ill or developmentally disabled persons under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(3) A probate judge identified in section 1011 as serving pursuant to the family court plan has the same power and authority, within the county or probate court district in which he or she serves as probate judge, as that of a circuit judge over cases described in subsection (1), in addition to all the power and authority of a judge of the probate court.

Sec. 1023. When 2 or more matters within the jurisdiction of the family division of circuit court involving members of the same family are pending in the same judicial circuit, those matters, whenever practicable, shall be assigned to the judge to whom the first such case was assigned.

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

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

Carol Morey Viventi

Secretary of the Senate.

Ray E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.