

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4771**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2529 (MCL 600.2529), as amended by 2003 PA
178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2529. (1) In the circuit court, the following fees
2 shall be paid to the clerk of the court:
3 (a) Before a civil action other than an action brought
4 exclusively under section 2950, 2950a, or 2950h to 2950m is
5 commenced, or before the filing of an application for
6 superintending control or for an extraordinary writ, except the
7 writ of habeas corpus, the party bringing the action or filing
8 the application shall pay the sum of \$150.00. The clerk at the
9 end of each month shall transmit for each fee collected under
10 this subdivision within the month \$31.00 to the county treasurer

1 and the balance of the filing fee to the state treasurer for
2 deposit in the civil filing fee fund created in section 171.

3 (b) Before the filing of a claim of appeal or motion for
4 leave to appeal from the district court, probate court, a
5 municipal court, or an administrative tribunal or agency, the sum
6 of \$150.00. For each fee collected under this subdivision, the
7 clerk shall transmit \$31.00 to the county treasurer and the
8 balance of the fee to the state treasurer for deposit in the
9 civil filing fee fund created in section 171.

10 (c) If a trial by jury is demanded, the party making the
11 demand at the time shall pay the sum of \$85.00. Failure to pay
12 the fee at the time the demand is made constitutes a waiver of
13 the right to a jury trial. The sum shall be taxed in favor of
14 the party paying the fee, in case the party recovers a judgment
15 for costs. For each fee collected under this subdivision, the
16 clerk shall transmit \$25.00 to the state treasurer for deposit in
17 the juror compensation reimbursement fund created in section
18 151d.

19 (d) Before entry of a final judgment **or order** in an action
20 ~~for divorce or separate maintenance~~ in which ~~minor children~~
21 ~~are involved, or the entry of a final judgment in a child custody~~
22 ~~dispute submitted to the circuit court as an original action,~~
23 **the custody, support, or parenting time of minor children is**
24 **determined or modified, the party submitting the judgment or**
25 **order shall pay 1 of the following ~~sums~~ fees,** which shall be
26 deposited by the county treasurer as provided in section 2530:

27 ~~(i) If the matter was contested or uncontested and was not~~

~~1 submitted to domestic relations mediation or investigation by the
2 friend of the court, \$30.00.~~

~~3 (ii) If the matter was contested or uncontested and was
4 submitted to domestic relations mediation, \$50.00.~~

~~5 (iii) If the matter was contested or uncontested and the
6 office of the friend of the court conducted an investigation and
7 made a recommendation to the court, \$70.00.~~

8 (i) In an action in which the custody or parenting time of
9 minor children is determined, \$80.00.

10 (ii) In an action in which the support of minor children is
11 determined or modified, \$40.00. This fee does not apply when a
12 fee is paid under subparagraph (i). The court may order a party
13 to reimburse to the other party all or a portion of the fee paid
14 by that other party.

15 (e) Except as otherwise provided in this section, upon the
16 filing of a motion the sum of \$20.00. In conjunction with an
17 action brought under section 2950 or 2950a, a motion fee shall
18 not be collected for a motion to dismiss the petition, a motion
19 to modify, rescind, or terminate a personal protection order, or
20 a motion to show cause for a violation of a personal protection
21 order. A motion fee shall not be collected for a motion to
22 dismiss a proceeding to enforce a foreign protection order or a
23 motion to show cause for a violation of a foreign protection
24 order under sections 2950h to 2950m. **A motion fee shall not be**
25 **collected for a request for a hearing to contest income**
26 **withholding under section 7 of the support and parenting time**
27 **enforcement act, 1982 PA 295, MCL 552.607.** For each fee collected

1 under this subdivision, the clerk shall transmit \$10.00 to the
2 state treasurer for deposit in the state court fund created by
3 section 151a.

4 (f) For services under the direction of the court that are
5 not specifically provided for in this section relative to the
6 receipt, safekeeping, or expending of money, or the purchasing,
7 taking, or transferring of a security, or the collecting of
8 interest on a security, the clerk shall receive the allowance and
9 compensation from the parties as the court may consider just and
10 shall direct by court order, after notice to the parties to be
11 charged.

12 (g) Upon appeal to the court of appeals or the supreme court,
13 the sum of \$25.00.

14 (h) The sum of \$15.00 as a service fee for each writ of
15 garnishment, attachment, execution, or judgment debtor discovery
16 subpoena issued.

17 (2) The sums paid as provided in this section shall be held
18 to be in full for all clerk, entry, and judgment fees in an
19 action from the commencement of the action to and including the
20 issuance and return of the execution or other final process, and
21 are taxable as costs.

22 (3) Except as otherwise provided in this section, the fees
23 shall be paid over to the county treasurer as required by law.

24 (4) At the end of each month, the clerk shall transmit for
25 each fee collected under subsection (1)(d) \$10.00 to the state
26 treasurer for deposit in the fund created by section 6a of the
27 office of child support act, 1971 PA 174, MCL 400.236a. The

1 balance of the fee collected under subsection (1)(d)(i) shall be
2 paid to the county treasurer and deposited by the county
3 treasurer as provided under section 2530 to be used to fund
4 services that are not title IV-D services. The balance of the
5 fee collected under subsection (1)(d)(ii) shall be paid to the
6 county treasurer and deposited by the county treasurer as
7 provided under section 2530.

8 (5) ~~—(4)—~~ The court shall order any of the fees prescribed in
9 this section waived or suspended, in whole or in part, upon a
10 showing by affidavit of indigency or inability to pay.

11 (6) If the person filing an action under subsection (1)(d) is
12 a public officer acting in his or her official capacity, if the
13 order is submitted with the initial filing as a consent order, or
14 other good cause is shown, the court shall order the fee under
15 subsection (1)(d) waived or suspended. If a fee is waived or
16 suspended and the action is contested, the court may require that
17 1 or more of the parties to the action pay the fee under
18 subsection (1)(d).

19 Enacting section 1. This amendatory act shall take effect
20 October 1, 2004.