

Legislative Analysis



STATE PRESIDING PROBATE JUDGE: REPEAL PROVISIONS

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House Bill 4881
Sponsor: Rep. Ken Horn
Committee: Judiciary

Complete to 9-7-11

A SUMMARY OF HOUSE BILL 4881 AS INTRODUCED 8-24-11

The bill would amend the Revised Judicature Act to repeal Sections 819 and 824.

Section 819 allows probate judges to hold an annual convention to elect a state presiding probate judge. Duties of a state presiding probate judge include appointing probate judges to hold court in other counties as provided in the act.

Section 824 requires a circuit court judge to fill the position of a probate judge if the office of probate judge is vacant, or the probate judge is temporarily absent due to incapacitation or is performing other duties required by law. If no circuit court judge is available, the probate judge or probate register may request the state presiding probate judge to assign a probate judge of another county or probate court district to serve in the open position. The provision also allows the judge temporarily serving in the position to hear to the end any matter begun during the temporary service.

MCL 600.819 and 600.824

FISCAL IMPACT:

House Bill 4881 would have no fiscal impact on state or local government.

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