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House Bill 5744 (as passed by the House)
Sponsor: Representative Kenneth Kurtz
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 11-12-14

CONTENT

The bill would amend the Revised Judicature Act to provide that a party would not have to pay a court fee prescribed in the Act if the party were filing a child protective action or a delinquency action under the juvenile code or the Young Adult Voluntary Foster Care Act.

Section 2529 of the Revised Judicature Act prescribes fees that must be paid to the clerk of the court for various actions in the circuit court. Before a civil action is commenced or before the filing of an application for superintending control or for an extraordinary writ, except a writ of habeas corpus, the party bringing the action or filing the application must pay \$150. Before the filing of a claim of appeal or motion for leave to appeal from the district court, the probate court, a municipal court, or an administrative tribunal or agency, the appellant or moving party must pay \$150.

At the time a trial by jury is demanded, the party making the demand must pay \$85.

Before entry of a final judgment or order in an action in which the custody, support, or parenting time of minor children is determined or modified, the party submitting the judgment or order must pay one of the following fees:

- In a custody or parenting time action, \$80.
- In a support action, \$40.

Upon a filing of any motion, the moving party must pay \$20.

For services under the direction of the Family Division of the Circuit Court (family court) that are not specifically provided for related to receiving, safekeeping, or spending money, purchasing, taking, or transferring a security, or collecting interest on a security, a party must pay the allowance and compensation that the court determines to be just as ordered by the court after notice to the parties.

Upon appeal to the Court of Appeals or the Supreme Court, the appellant must pay \$25.

The application or requesting party also must pay \$15 as a service fee for each writ of garnishment, attachment, or execution and each judgment debtor discovery subpoena issued.

Under the bill, a party would not have to pay a fee under Section 2529 if the party were filing a child protective action or a delinquency action under Section 2 of the juvenile code or under the Young Adult Voluntary Foster Care Act.

(Section 2 of the juvenile code provides that the family court has the following authority and jurisdiction in proceedings concerning juveniles found within the county:

- Exclusive original jurisdiction if the juvenile is younger than 17 and has committed certain violations of a municipal ordinance, State law, or Federal law.
- Jurisdiction if the juvenile is younger than 18, under certain circumstances such as neglect, harm, or abandonment by a parent.
- Jurisdiction over a juvenile under 18 years old, if jurisdiction over him or her has been waived to the family court by a circuit court under a provision in a temporary custody order related to a divorce proceeding.
- Concurrent jurisdiction concerning a juvenile between the ages of 17 and 18, if voluntary services have been exhausted or refused and the juvenile is addicted to drugs or uses alcohol intemperately; associates with criminal, dissolute, or disorderly people; is found in a house of prostitution, assignation, or ill-fame; associates with thieves, prostitutes, pimps, or procurers; or is willfully disobedient and in danger of becoming morally depraved.
- If the court operates a juvenile detention home, authority to place a juvenile in the home pending trial, under certain circumstances.
- Jurisdiction over a proceeding involving a personal protection order or a valid foreign protection order in which a minor younger than 18 is the respondent.

The Young Adult Voluntary Foster Care Act provides for extended foster care services and guardianship and adoption assistance for youths or adoptees who are at least 18 years old but younger than 21 and meet prescribed criteria.)

MCL 600.2529

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State government. The fiscal impact on local government is indeterminate, but likely would be negative. To the extent that circuit courts rely on the filing fees in question, the revenue would have to be made up from other areas.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.