

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.834 Probate register or deputy probate register; powers in uncontested matter or hearing; entry of judgment prohibited; restriction on powers; orders and acts; trial or hearing of issues.

Sec. 834. (1) Except as provided in subsection (2), a probate register or deputy probate register is competent to exercise any of the following powers in an uncontested matter or hearing if authorized by general order of the probate judge or chief probate judge of the county in which the probate register or deputy probate register was appointed:

(a) Determine whether the petitioner or the petitioner's attorney has complied with the requirements of law and supreme court rules.

(b) Take acknowledgments.

(c) Administer oaths.

(d) Set hearings.

(e) Sign notices, citations, and subpoenas.

(f) Take testimony required by law or supreme court rules in all of the following matters:

(i) Appointment of a fiduciary of an estate of a deceased or minor.

(ii) Admission to probate of a will, codicil, or other testamentary instrument.

(iii) Determination of heirs.

(iv) Sale, mortgage, or lease of property.

(v) Assignment of residue of an estate or any part of the residue of an estate.

(vi) Setting and approval of bonds.

(vii) Removal of fiduciaries.

(viii) Issuing of a license to marry, if the issuance of the license is authorized under section 1 of 1897 PA 180, MCL 551.201.

(g) Perform an act or issue an order as specified in the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102, if that act authorizes the probate register to do so.

(2) A probate register or deputy probate register shall not enter a judgment. A probate register or deputy probate register shall not exercise any power provided in subsection (1) if the matter or hearing is:

(a) For a commitment to, or incarceration in, an institution or facility.

(b) For appointment of a guardian of a legally incapacitated individual or the appointment of a conservator for a reason other than minority.

(c) For or involves a developmentally disabled person.

(3) An order made by a probate register or deputy probate register shall be made over the name of the probate judge for whom the order is made, and the probate register or deputy probate register shall place his or her signature under the name of the judge. An act done or order made by the probate register or deputy probate register authorized under this section shall have the same validity, force, and effect as though done or made by the judge.

(4) Upon the oral or written request of an interested party made before commencement or during the hearing of the proceeding, the proceeding shall be taken immediately before the judge for trial or hearing of the issues.

History: Add. 1978, Act 543, Eff. July 1, 1979;—Am. 1979, Act 69, Imd. Eff. July 25, 1979;—Am. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 2000, Act 67, Eff. Apr. 1, 2000.