



HOUSE BILL No. 5158

September 27, 1995, Introduced by Reps. Nye, Walberg, Voorhees, LeTarte, Middleton, Green, Geiger, Bobier, Law, Bush, Galloway and Llewellyn and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 151, 224, 225, 308, 504, 555, 557, 591, 601, 666, 667, 833, 834, 838, 839, 841, 848, 849, 851, 852, 859, 861, 867, 871, 874, 876, 877, 878, 879, 880, 880b, 880c, 880d, 1114, 1168, 1302, 1303, 1416, 1450, 1452, 1481, 2529, 2538, 4304, 4803, 4903, 4915, 4919, 5756, 8122, 8202, 8271, 8281, 8301, 8314, 8322, 8342, 8371, 8381, 8420, 8501, 8521, 8525, 8535, and 8621 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

sections 224 and 591 as added and sections 555, 1302, 1303, 1481, 8271, 8281, 8521, 8525, and 8535 as amended by Act No. 438 of the Public Acts of 1980, section 225 as amended and section 557 as added by Act No. 185 of the Public Acts of 1990, section 308 as amended by Act No. 375 of the Public Acts of 1994, section 504 as amended by Act No. 129 of the Public Acts of 1980, sections 859,

878, 1114, 1168, and 8621 as amended by Act No. 308 of the Public Acts of 1986, section 861 as amended by Act No. 318 of the Public Acts of 1982, sections 880, 5756, 8371, 8381, and 8420 as amended and sections 880b, 880c, 880d, and 2538 as added by Act No. 189 of the Public Acts of 1993, section 2529 as amended by Act No. 403 of the Public Acts of 1994, section 4803 as amended by Act No. 317 of the Public Acts of 1993, sections 4903, 4915, and 4919 as added by Act No. 178 of the Public Acts of 1986, sections 8122 and 8501 as amended by Act No. 135 of the Public Acts of 1988, section 8202 as amended by Act No. 233 of the Public Acts of 1992, section 8314 as amended by Act No. 278 of the Public Acts of 1984, section 8322 as amended by Act No. 8 of the Public Acts of 1981, and section 8342 as amended by Act No. 375 of the Public Acts of 1994, being sections 600.151, 600.224, 600.225, 600.308, 600.504, 600.555, 600.557, 600.591, 600.601, 600.666, 600.667, 600.833, 600.834, 600.838, 600.839, 600.841, 600.848, 600.849, 600.851, 600.852, 600.859, 600.861, 600.867, 600.871, 600.874, 600.876, 600.877, 600.878, 600.879, 600.880, 600.880b, 600.880c, 600.880d, 600.1114, 600.1168, 600.1302, 600.1303, 600.1416, 600.1450, 600.1452, 600.1481, 600.2529, 600.2538, 600.4304, 600.4803, 600.4903, 600.4915, 600.4919, 600.5756, 600.8122, 600.8202, 600.8271, 600.8281, 600.8301, 600.8314, 600.8322, 600.8342, 600.8371, 600.8381, 600.8420, 600.8501, 600.8521, 600.8525, 600.8535, and 600.8621 of the Michigan Compiled Laws; to add sections 549j, 1482, 9938a, and 9941a and chapters 4, 10, 49b, and 49c; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 151, 224, 225, 308, 504, 555, 557, 591,
2 601, 666, 667, 833, 834, 838, 839, 859, 861, 867, 871, 874, 876,
3 877, 878, 879, 880, 880b, 880c, 880d, 1114, 1168, 1302, 1303,
4 1416, 1450, 1452, 1481, 2529, 2538, 4304, 4803, 4903, 4915, 4919,
5 5756, 8122, 8202, 8271, 8281, 8301, 8314, 8322, 8342, 8371, 8381,
6 8420, 8501, 8521, 8525, 8535, and 8621 of Act No. 236 of the
7 Public Acts of 1961, sections 224 and 591 as added and sections
8 555, 1302, 1303, 1481, 8271, 8281, 8521, 8525, and 8535 as
9 amended by Act No. 438 of the Public Acts of 1980, section 225 as
10 amended and section 557 as added by Act No. 185 of the Public
11 Acts of 1990, section 308 as amended by Act No. 375 of the Public
12 Acts of 1994, section 504 as amended by Act No. 129 of the Public
13 Acts of 1980, sections 859, 878, 1114, 1168, and 8621 as amended
14 by Act No. 308 of the Public Acts of 1986, section 861 as amended
15 by Act No. 318 of the Public Acts of 1982, sections 880, 5756,
16 8371, 8381, and 8420 as amended and sections 880b, 880c, 880d,
17 and 2538 as added by Act No. 189 of the Public Acts of 1993, sec-
18 tion 2529 as amended by Act No. 403 of the Public Acts of 1994,
19 section 4803 as amended by Act No. 317 of the Public Acts of
20 1993, sections 4903, 4915, and 4919 as added by Act No. 178 of
21 the Public Acts of 1986, sections 8122 and 8501 as amended by Act
22 No. 135 of the Public Acts of 1988, section 8202 as amended by
23 Act No. 233 of the Public Acts of 1992, section 8314 as amended
24 by Act No. 278 of the Public Acts of 1984, section 8322 as
25 amended by Act No. 8 of the Public Acts of 1981, and section 8342
26 as amended by Act No. 375 of the Public Acts of 1994, being

1 sections 600.151, 600.224, 600.225, 600.308, 600.504, 600.555,
2 600.557, 600.591, 600.601, 600.666, 600.667, 600.833, 600.834,
3 600.838, 600.839, 600.841, 600.848, 600.849, 600.851, 600.852,
4 600.859, 600.861, 600.867, 600.871, 600.874, 600.876, 600.877,
5 600.878, 600.879, 600.880, 600.880b, 600.880c, 600.880d,
6 600.1114, 600.1168, 600.1302, 600.1303, 600.1416, 600.1450,
7 600.1452, 600.1481, 600.2529, 600.2538, 600.4304, 600.4803,
8 600.4903, 600.4915, 600.4919, 600.5756, 600.8122, 600.8202,
9 600.8271, 600.8281, 600.8301, 600.8314, 600.8322, 600.8342,
10 600.8371, 600.8381, 600.8420, 600.8501, 600.8521, 600.8525,
11 600.8535, and 600.8621 of the Michigan Compiled Laws, are amended
12 and sections 549j, 1482, 9938a, and 9941a and chapters 4, 10,
13 49b, and 49c are added to read as follows:

14 Sec. 151. (1) The judicial power of the state is vested
15 exclusively in 1 court of justice which shall be divided into 1
16 supreme court, 1 court of appeals, 1 trial court of general
17 jurisdiction ~~known as the circuit court, 1 probate court~~
18 DESCRIBED IN SUBSECTION (2), and courts of limited jurisdiction
19 created by the legislature.

20 (2) THE TRIAL COURT OF GENERAL JURISDICTION EXISTS IN EACH
21 COUNTY AS A UNIT, EXCEPT AS PROVIDED IN SECTION 401. EACH UNIT
22 OF THE TRIAL COURT CONSISTS OF A CIRCUIT COURT, A DISTRICT COURT,
23 AND A FAMILY COURT.

24 Sec. 224. (1) The supreme court shall adopt procedures to
25 ensure that, when a majority of the justices of the supreme court
26 or of the judges of a multi-judge court meet to discuss or decide

1 upon court rules or administrative orders, the meeting shall be
2 open to the public.

3 (2) As used in subsection (1), "court" ~~means~~ INCLUDES the
4 court of appeals, a judicial circuit of the circuit court, ~~the~~
5 ~~probate court of a county or probate court district,~~ a district
6 of the district court, or any OTHER statutory court.

7 Sec. 225. (1) The supreme court ~~shall have the right to~~
8 MAY assign a judge of any court to serve as a judge in any other
9 court in this state, ~~except that a nonattorney probate judge may~~
10 ~~only be assigned to serve as a judge in another county or probate~~
11 ~~court district. The assignment of a judge under this subsection~~
12 ~~shall be for a limited period or specific assignment~~ UNLESS THAT
13 RIGHT IS RESERVED TO THE JUDGES OF A UNIT OF THE TRIAL COURT, AS
14 PROVIDED IN SECTION 405.

15 (2) The authority granted by this section may be exercised
16 by the supreme court at its discretion through its direct order,
17 or through the court administrator. ~~Though the court has a~~
18 ~~broad discretion, it~~ THE COURT should particularly consider
19 those cases where the ~~chief judge~~ JUDGES of a court ~~has~~ HAVE
20 asked that another judge be sent to that court and has properly
21 shown any of the following:

22 (a) That the business of that court has increased beyond the
23 capacity of the judge or judges to properly dispose of.

24 (b) That a vacancy exists in the office of the judge of the
25 court.

26 (c) That a judge is unable to discharge the duties of his or
27 her office.

(d) Any other sufficient reason.

~~(3) If possible, judges within the same county within which the court is located shall be assigned to serve as judges of that court.~~

(3) ~~(4)~~ Judges assigned pursuant to subsection (1) shall hold court and fulfill the duties of the office just as they would had they been elected in the respective court for the time they were assigned to serve.

(4) ~~(5)~~ The county or district control unit responsible for the maintenance and operation of the court shall provide suitable places where judges shall hold court.

(5) ~~(6)~~ A judge who is assigned as provided in this section ~~shall receive as salary for each day he or she serves in the court \$25.00 or 1/250 of the amount by which the total annual salary of a judge of the court to which he or she is assigned exceeds his or her total annual salary, whichever amount is greater. The salary provided in this subsection is payable by the county or district control unit or units that have provided an additional salary for the judicial office to which the judge is assigned. In addition to that salary, a judge assigned as provided in this section shall be~~ IS entitled to receive actual and necessary expenses for travel, meals, and lodging from the county or district control unit or units that are responsible for the maintenance and operation of the court to which the judge is assigned. The ~~salary and~~ expenses shall be payable at the same time and in the same manner as provided for the judicial office to which the judge is assigned. ~~The same source or sources~~

1 ~~paying the salary shall return to the respective counties in~~
2 ~~which the assigned circuit or probate judge was appointed or~~
3 ~~elected, or to the respective district control units of the dis-~~
4 ~~trict in which an assigned district judge was appointed or~~
5 ~~elected, for each day served, 1/250 of the annual additional~~
6 ~~salary paid by those counties or district control units to the~~
7 ~~judge assigned as provided in this section. The same source or~~
8 ~~sources paying the salary required by this subsection to a~~
9 ~~recorder's court judge shall return to the state for each day so~~
10 ~~served 1/250 of the annual additional salary paid to the~~
11 ~~recorder's court judge so assigned. As used in this subsection,~~
12 ~~"court" means the various circuits of the circuit court, the~~
13 ~~recorder's court of the city of Detroit, the various counties and~~
14 ~~probate court districts of the probate court, and the various~~
15 ~~districts of the district court~~ ANY OF COMPONENT COURTS OF THE
16 TRIAL COURT OF GENERAL JURISDICTION.

17 ~~(7) A municipal judge who is assigned as provided in this~~
18 ~~section shall be compensated as provided in section 225a.~~

19 Sec. 308. (1) The court of appeals has jurisdiction on
20 appeals from the following orders and judgments which shall be
21 appealable as a matter of right:

22 (a) All final judgments from the circuit court, court of
23 claims, and THE FORMER recorder's court, except judgments on
24 ordinance violations in the traffic and ordinance division of THE
25 FORMER recorder's court and final judgments and orders described
26 in subsection (2).

1 (b) Those orders of the FORMER probate court from which an
2 appeal as of right may be taken under section 861.

3 (2) The court of appeals has jurisdiction on appeal from the
4 following orders and judgments which shall be reviewable only
5 upon application for leave to appeal granted by the court of
6 appeals:

7 (a) A final judgment or order made by the circuit court
8 under any of the following circumstances:

9 (i) In an appeal from an order, sentence, or judgment of the
10 FORMER probate court under section 863(1) and (2).

11 (ii) In an appeal from a final judgment or order of the dis-
12 trict court appealed to the circuit court under section 8342.

13 (iii) An appeal from a final judgment or order of a FORMER
14 municipal court.

15 ~~-(iv) In an appeal from an ordinance violation conviction in~~
16 ~~the traffic and ordinance division of recorder's court of the~~
17 ~~city of Detroit if the conviction occurred before September 1,~~
18 ~~1961.~~

19 (b) An order, sentence, or judgment of the FORMER probate
20 court if the probate court certifies the issue or issues under
21 section 863(3).

22 (c) A final judgment or order made by the FORMER recorder's
23 court of the city of Detroit in an appeal from the district court
24 in the thirty-sixth district pursuant to section 8342(2).

25 (d) A final order or judgment from the circuit court or THE
26 FORMER recorder's court for the city of Detroit based upon a
27 defendant's plea of guilty or nolo contendere.

1 (e) Any other judgment or interlocutory order as determined
2 by court rule.

3 CHAPTER 4.

4 TRIAL COURT

5 SEC. 401. (1) THERE IS ESTABLISHED A SINGLE TRIAL COURT OF
6 GENERAL JURISDICTION IN THIS STATE. EXCEPT AS PROVIDED IN SUB-
7 SECTIONS (2) AND (3), THE TRIAL COURT EXISTS IN EACH COUNTY AS A
8 UNIT, WHICH SHALL BE ADMINISTERED BY THE JUDGES OF THAT UNIT AS
9 PROVIDED IN THIS CHAPTER.

10 (2) IN THE COUNTY OF WAYNE, THE CITY OF DETROIT SHALL HAVE 1
11 UNIT OF THE TRIAL COURT, AND THE BALANCE OF THE COUNTY OF WAYNE
12 SHALL HAVE 1 UNIT OF THE TRIAL COURT.

13 (3) TWO OR MORE CONTIGUOUS COUNTIES MAY CREATE A
14 MULTI-COUNTY UNIT, SUBJECT TO APPROVAL OF A BALLOT QUESTION BY
15 THE MAJORITY OF THE ELECTORS OF EACH AFFECTED COUNTY WHO VOTE ON
16 THAT QUESTION.

17 (4) EACH UNIT OF THE TRIAL COURT CONSISTS OF A CIRCUIT
18 COURT, A DISTRICT COURT, AND A FAMILY COURT, EXCEPT THAT A TRIAL
19 COURT UNIT MAY COMBINE THE CIRCUIT, DISTRICT, AND FAMILY COURTS
20 WITHIN THAT UNIT WITH THE CONCURRENCE OF THE COUNTY BOARD OF COM-
21 MISSIONERS AND THE SUPREME COURT.

22 SEC. 403. (1) EACH TRIAL COURT UNIT SHALL HAVE AT LEAST 1
23 JUDGE OF THE CIRCUIT COURT, 1 JUDGE OF THE DISTRICT COURT, AND 1
24 JUDGE OF THE FAMILY COURT.

25 (2) A JUDGE OF ANY OF THE 3 COURTS COMPRISING A TRIAL COURT
26 UNIT SHALL SERVE HIS OR HER TERM AS A JUDGE OF THE COURT TO WHICH
27 HE OR SHE WAS ELECTED OR APPOINTED. THE NAMES OF THE CANDIDATES

1 FOR JUDGESHIIPS OF EACH COURT SHALL APPEAR ON THE BALLOT
2 SEPARATELY FROM THE NAMES OF THE CANDIDATES FOR JUDGESHIIPS OF
3 EITHER OF THE OTHER 2 COURTS.

4 SEC. 405. THE JUDGES OF A TRIAL COURT UNIT SHALL DO ALL OF
5 THE FOLLOWING:

6 (A) ADMINISTER THE OPERATION OF THE COURTS IN THAT UNIT.
7 THE JUDGES OF A UNIT MAY ADMINISTER THE COURTS JOINTLY, OR MAY
8 ELECT A CHIEF JUDGE AND DETERMINE HIS OR HER POWERS AND DUTIES,
9 OR MAY BY MAJORITY VOTE OF THE JUDGES ESTABLISH AND IMPLEMENT ANY
10 OTHER REASONABLE PROCEDURE OF ADMINISTRATION FOR THAT UNIT. IF
11 THE JUDGES OF A TRIAL COURT UNIT DO NOT ELECT A CHIEF JUDGE, THE
12 STATUTORY DUTIES OF A CHIEF JUDGE SHALL BE ASSIGNED TO 1 OR MORE
13 OF THE JUDGES AS THEY DETERMINE.

14 (B) ADOPT PROCEDURES FOR THE ASSIGNMENT OF CASES AND FOR THE
15 REASSIGNMENT OF CASES, AND PROCEDURES FOR THE ASSIGNMENT OF
16 JUDGES BETWEEN COURTS, SUBJECT TO SECTION 407. IF THE JUDGES OF
17 A UNIT CANNOT AGREE ON A PROCEDURE, THE PROCEDURE SHALL BE DETER-
18 MINED FOR THAT UNIT BY THE SUPREME COURT.

19 SEC. 407. (1) ALL ASSIGNMENTS AND REASSIGNMENTS OF CASES
20 FILED IN A TRIAL COURT UNIT SHALL BE MADE AMONG THE JUDGES OF
21 THAT TRIAL COURT UNIT, UNLESS NO JUDGE OF THAT TRIAL COURT UNIT
22 IS QUALIFIED AND ABLE TO UNDERTAKE A PARTICULAR CASE.

23 (2) A JUDGE OF A COURT IN 1 TRIAL COURT UNIT SHALL NOT BE
24 ASSIGNED TO SERVE AS A JUDGE OF ANOTHER TRIAL COURT UNIT UNLESS
25 NO OTHER JUDGE IN THE TRIAL COURT UNIT NEEDING ASSISTANCE IS ABLE
26 TO RENDER THAT ASSISTANCE.

1 SEC. 409. FOUR TIMES EACH YEAR, EACH JUDGE IN A TRIAL COURT
2 UNIT SHALL POST, IN A PLACE ACCESSIBLE TO THE PUBLIC, A STATEMENT
3 FOR THAT CALENDAR QUARTER OF THE NUMBER OF CASES FILED IN HIS OR
4 HER COURT, THE NUMBER OF CASES FINALIZED, AND THE NUMBER OF FULL
5 TRIAL DAYS HELD.

6 SEC. 411. THE CLERKS OF EACH OF THE COURTS COMPRISING A
7 TRIAL COURT UNIT SHALL, WHENEVER POSSIBLE, HAVE OFFICES AT THE
8 SAME LOCATION. IF A COURT SITS AT THE MAIN COUNTY COURTHOUSE AND
9 AT 1 OR MORE OTHER LOCATIONS WITHIN A UNIT, THE CLERK OF THAT
10 COURT MAY HAVE AN OFFICE AT EACH LOCATION, BUT EACH ADDITIONAL
11 LOCATION OTHER THAN THE CLERK'S OFFICE AT THE COUNTY COURTHOUSE
12 SHALL BE ADMINISTERED BY A DEPUTY CLERK AND SHALL OPERATE ONLY
13 FOR FILING PURPOSES.

14 SEC. 413. THE OFFICE AND FACILITIES OF THE FRIEND OF THE
15 COURT, THE MARRIAGE COUNSELOR OF THE CIRCUIT COURT, THE STAFF OF
16 THE JUVENILE DIVISION OF THE FORMER PROBATE COURT, AND ALL OTHER
17 STATE AND PUBLIC AGENCIES THAT PROVIDE ASSISTANCE TO FAMILIES OR
18 JUVENILES SHALL PROVIDE ASSISTANCE TO THE COURTS OF THE TRIAL
19 COURT UNITS IN ACCORDANCE WITH THEIR JURISDICTION.

20 Sec. 504. The third judicial circuit consists of the
21 county of Wayne EXCEPT THE CITY OF DETROIT and has THE FOLLOWING
22 NUMBER OF JUDGES:

23 (A) UNTIL THE EFFECTIVE DATE OF THE 1996 AMENDATORY ACT THAT
24 AMENDED THIS SECTION, 35 judges. ~~Subject to section 550, this~~
25 ~~circuit may have 2 additional judges effective January 1, 1981.~~

26 (B) BEGINNING ON THE EFFECTIVE DATE OF THE 1996 AMENDATORY
27 ACT THAT AMENDED THIS SECTION, _____ JUDGES.

1 SEC. 549J. THE FIFTY-EIGHTH JUDICIAL CIRCUIT CONSISTS OF
2 THE CITY OF DETROIT AND HAS _____ JUDGES.

3 Sec. 555. ~~(1) Each circuit judge shall receive an annual~~
4 salary payable by the state in an amount provided by law. ~~The~~
5 ~~county boards of commissioners in their discretion may vote to~~
6 ~~pay the circuit judge or judges of their respective counties a~~
7 ~~salary in addition to the amount of the state salary.~~

8 ~~(2) Except as provided in subsections (3) and (4), the state~~
9 ~~shall reimburse to a county paying an additional salary to a cir-~~
10 ~~cuit judge a portion of that additional salary in an amount pro-~~
11 ~~vided by law, unless the additional salary, including any~~
12 ~~cost of living allowance, payable by that county causes the total~~
13 ~~annual salary of a circuit judge to exceed 92% of the salary of a~~
14 ~~justice of the supreme court.~~

15 ~~(3) Effective September 1, 1981, if the county of Wayne pays~~
16 ~~each circuit judge of the third judicial circuit an additional~~
17 ~~salary equal to at least the difference between 92% of the salary~~
18 ~~of a justice of the supreme court and the annual salary payable~~
19 ~~by the state to a circuit judge of the third judicial circuit,~~
20 ~~the state shall reimburse the county of Wayne, for each circuit~~
21 ~~judge of the third judicial circuit, an amount equal to that~~
22 ~~difference. However, if the county pays more than an amount~~
23 ~~equal to the difference between 92% of the salary of a justice of~~
24 ~~the supreme court and the annual salary payable by the state to a~~
25 ~~circuit judge of the third judicial circuit, the state shall not~~
26 ~~reimburse the county for any additional salary, except as~~
27 ~~provided in subsection (4).~~

1 ~~(4) Notwithstanding the limitations of subsection (2) or~~
2 ~~(3), the state shall reimburse a county pursuant to subsection~~
3 ~~(2) or (3), even if the additional salary, including any~~
4 ~~cost of living allowance, payable by that county on the effective~~
5 ~~date of this subsection causes the total annual salary of a cir-~~
6 ~~cuit judge to exceed 92% of the salary of a justice of the~~
7 ~~supreme court payable on the effective date of this subsection.~~
8 ~~However, if the additional salary of a circuit judge increases~~
9 ~~beyond the amount payable to the judge on the effective date of~~
10 ~~this subsection, and if the total annual salary of the judge~~
11 ~~exceeds 92% of the salary of a justice of the supreme court, the~~
12 ~~county shall return to the state any amount paid under subsection~~
13 ~~(2) or (3) during that state fiscal year, and shall be ineligible~~
14 ~~to receive reimbursement under subsection (2) or (3) until the~~
15 ~~total annual salary of the circuit judge does not exceed 92% of~~
16 ~~the salary of the justice of the supreme court.~~

17 ~~(5) Each circuit judge who holds court in a county other~~
18 ~~than the county of his or her residence shall be reimbursed for~~
19 ~~his or her actual and necessary expenses incurred in holding~~
20 ~~court. Each circuit judge entitled to the reimbursement shall~~
21 ~~certify the expenses incurred to the court administrator for~~
22 ~~allowance. Upon allowance by the administrator, the state trea-~~
23 ~~surer shall issue a warrant on the state treasury for payment.~~

24 ~~(6) A circuit judge whose case load is less than other cir-~~
25 ~~cuit judges may be authorized by the supreme court or state court~~
26 ~~administrator to assist other courts and perform other judicial~~
27 ~~duties, for limited periods or specific assignments. This~~

~~1 subsection shall not be construed as a directive to the supreme
2 court or state court administrator.~~

3 Sec. 557. (1) As used in this section and sections 557a and
4 557b, "senior judge" means a former justice of the supreme court,
5 or a former judge of the court of appeals, circuit court, THE
6 FORMER recorder's court, probate court, district court, FAMILY
7 COURT, common pleas court, or a municipal court, who meets all of
8 the following requirements:

9 (a) Was once elected to judicial office in this state.

10 (b) At the time of assignment under this section, does not
11 hold a judicial office by appointment or election.

12 (c) Has never been removed from judicial office pursuant to
13 article VI or article XI of the state constitution of 1963, or as
14 otherwise allowed by law.

15 (d) Is a member in good standing of the state bar of
16 Michigan.

17 (e) Is a legal resident of this state.

18 (2) Except as otherwise provided in this section, in any
19 nonjury civil action pending in any court of this state, with the
20 consent of all the parties to the action, the parties may stipu-
21 late to the assignment of a senior judge to hear and decide the
22 action pursuant to this section and sections 557a and 557b.

23 (3) The stipulation shall contain all of the following:

24 (a) The names of 2 senior judges, agreed upon by all the
25 parties to the action, selected from a list of senior judges
26 approved by the supreme court.

1 (b) A realistic estimate of the number of judicial hours it
2 will take to hear the action and to perform all of the functions
3 required of the senior judge.

4 (c) The hourly rate of compensation the parties agree to pay
5 the senior judge for his or her services. The hourly rate of
6 compensation shall not be greater than an hourly rate which, if
7 computed on a daily basis, would exceed the daily salary paid to
8 a judge of the court in which the action is pending.

9 (d) A realistic estimate of the costs of trial, including
10 notice, the services of a court reporter, the rental of an appro-
11 priate site to hold the trial, necessary expenses of the senior
12 judge and support staff including travel, lodging, and meals, and
13 other costs of trial as are appropriate.

14 (e) A determination as to who is responsible for initial
15 payment of the costs of the action, and who is responsible for
16 those costs upon final judgment.

17 (f) A realistic estimate of the cost to the local unit of
18 government for administering the senior judge civil action fund
19 created in section 557b, for that action.

20 (4) The stipulation shall be filed with the chief judge of
21 the court in which the action is pending together with a copy of
22 a receipt from the clerk of the court indicating that the fees
23 and costs were deposited with the clerk of the court for deposit
24 in the funds established in each judicial circuit pursuant to
25 sections 557a and 557b.

26 (5) If the chief judge of the court in which the action is
27 pending approves the stipulation of the parties, the stipulation

1 shall be forwarded to the supreme court for approval and
2 assignment of the senior judge. If the supreme court, through
3 its direct order or through the state court administrator,
4 approves the stipulation and assigns a senior judge named in the
5 stipulation, the assignment takes effect upon entry of the order
6 of approval by the chief judge.

7 (6) The senior judge assigned to hear the action shall exer-
8 cise the same powers and duties as a judge sitting without a jury
9 in the court in which the action is pending. The senior judge
10 has the same immunity from criminal and civil liability in con-
11 nection with the exercise of his or her powers and duties as
12 judge as does a judge of the court in which the action is
13 pending.

14 (7) All of the following are applicable to a senior judge,
15 while hearing and deciding an action under this section:

16 (a) The senior judge is subject to the provisions of the
17 code of judicial conduct.

18 (b) The senior judge is prohibited from holding a nonjudi-
19 cial office to the same extent as a judge of the court in which
20 the action is pending, pursuant to section 2 of article III of
21 the state constitution of 1963.

22 (c) The senior judge may be censured, suspended, or removed
23 the same as a judge of the court in which the action is pending.

24 (8) Service as a senior judge does not constitute service
25 for purposes of retirement in any public retirement system in
26 this state.

1 (9) A trial conducted pursuant to this section shall be a
2 public trial.

3 (10) A trial conducted pursuant to this section shall be
4 held within the venue of the court in which the action is
5 pending. Unless the trial is held in a facility provided by the
6 court in which the action is pending, notice of the site of the
7 trial shall be published by the clerk of the court in which the
8 action is pending in a legally designated newspaper circulating
9 within the jurisdiction of the court in which the action is pend-
10 ing not less than 7 days before the commencement date of trial
11 and shall be entered upon the court file of the court in which
12 the action is pending not less than 7 days before the date of
13 trial.

14 (11) A written transcript of the proceedings shall be filed
15 in the court in which the action is pending upon the request of
16 any party at that party's expense, or upon the request of the
17 senior judge, in which case the expense shall be allocated by the
18 senior judge among the parties.

19 (12) Except for good cause shown to the chief judge of the
20 court in which the action is pending, a final judgment shall be
21 entered by the senior judge within 21 days after all parties have
22 submitted their closing proofs and arguments. An order, deci-
23 sion, or judgment of the senior judge is conclusive, and appeal
24 shall not be available to any party. The order, decision, or
25 judgment is enforceable to the same extent as an order, decision,
26 or judgment of the court in which the action was pending.

1 (13) If neither of the senior judges selected by the parties
2 is assigned by the supreme court, or if the assigned senior judge
3 is unable to hear the action for any reason, both of the follow-
4 ing shall apply:

5 (a) The parties to the stipulation may select 2 other senior
6 judges from the list approved by the supreme court and resubmit
7 the stipulation for approval and assignment of a senior judge to
8 hear the action without the payment of an additional stipulation
9 assignment fee under section 557a.

10 (b) Any of the parties to the stipulation may elect to with-
11 draw the stipulation for the assignment of a senior judge and all
12 deposits paid will be refunded except the stipulation assignment
13 fee under section 557a.

14 (14) A stipulation for the assignment of a senior judge to
15 hear the action may be withdrawn only as provided in subsection
16 (13) or with the consent of the senior judge assigned to hear the
17 action. Upon withdrawal of a stipulation for the assignment of a
18 senior judge to hear the action, the action shall regain the same
19 status it had before the filing of the stipulation or as may be
20 ordered by the chief judge of the court in which the action is
21 pending.

22 Sec. 591. (1) Except as otherwise provided by law, the
23 chief judge of the circuit court in each judicial circuit shall
24 appoint the employees of the circuit court in each judicial cir-
25 cuit and fix their compensation within appropriations provided by
26 the county board of commissioners of the county or counties
27 comprising the judicial circuit.

1 (2) ~~Compensation~~ THE EMPLOYEES APPOINTED UNDER SUBSECTION
 2 (1) ARE EMPLOYEES OF THE COUNTY OR COUNTIES COMPRISING THE JUDI-
 3 CIAL CIRCUIT, AND THE COMPENSATION of ~~the~~ THOSE employees ~~of~~
 4 ~~the circuit court in each judicial circuit~~ shall be paid by the
 5 county or counties comprising the judicial circuit.

6 (3) When performing services in a courtroom, employees of
 7 the circuit court are subject to the control of the judge holding
 8 court in the courtroom.

9 (4) This section ~~shall~~ DOES not apply to the employees of
 10 the state judicial council serving in the circuit court in the
 11 third judicial circuit.

12 Sec. 601. (1) ~~Circuit courts have~~ EXCEPT AS PROVIDED IN
 13 CHAPTER 10, THE CIRCUIT COURT HAS the power and jurisdiction:

14 (A) ~~(1) possessed~~ POSSESSED by courts of record at the
 15 common law, as altered by the STATE constitution ~~and~~ OF 1963,
 16 THE laws of this state, and the rules of the supreme court. ~~and~~
 17 ~~and~~

18 (B) ~~(2) possessed~~ POSSESSED by courts and judges in chan-
 19 cery in England on March 1, 1847, as altered by the STATE consti-
 20 tution ~~and~~ OF 1963, THE laws of this state, and the rules of
 21 the supreme court. ~~and~~

22 (C) ~~(3) prescribed~~ PRESCRIBED by ~~rule~~ THE RULES of the
 23 supreme court.

24 (2) THE CIRCUIT COURT HAS EXCLUSIVE JURISDICTION OVER CASES
 25 FILED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION INVOLVING
 26 DIVORCE AND ANCILLARY MATTERS, IF THERE ARE NO MINOR CHILDREN OF
 27 THE PARTIES, AS SET FORTH IN THE FOLLOWING STATUTES:

1 (A) CHAPTER 84 OF THE REVISED STATUTES OF 1846, BEING
2 SECTIONS 552.1 TO 552.45 OF THE MICHIGAN COMPILED LAWS.

3 (B) ACT NO. 259 OF THE PUBLIC ACTS OF 1909, BEING SECTIONS
4 552.101 TO 552.104 OF THE MICHIGAN COMPILED LAWS.

5 (C) ACT NO. 52 OF THE PUBLIC ACTS OF 1911, BEING SECTIONS
6 552.121 TO 552.123 OF THE MICHIGAN COMPILED LAWS.

7 (D) ACT NO. 379 OF THE PUBLIC ACTS OF 1913, BEING SECTIONS
8 552.151 TO 552.155 OF THE MICHIGAN COMPILED LAWS.

9 (E) THE FRIEND OF THE COURT ACT, ACT NO. 294 OF THE PUBLIC
10 ACTS OF 1982, BEING SECTIONS 552.501 TO 552.535 OF THE MICHIGAN
11 COMPILED LAWS.

12 (F) ACT NO. 299 OF THE PUBLIC ACTS OF 1905, BEING SECTION
13 552.391 OF THE MICHIGAN COMPILED LAWS.

14 (G) ACT NO. 42 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS
15 552.401 TO 552.402 OF THE MICHIGAN COMPILED LAWS.

16 (H) ACT NO. 138 OF THE PUBLIC ACTS OF 1966, BEING SECTIONS
17 552.451 TO 552.459 OF THE MICHIGAN COMPILED LAWS.

18 (3) THE CIRCUIT COURT HAS JURISDICTION CONCURRENTLY WITH THE
19 FAMILY COURT AND DISTRICT COURT IN CASES INVOLVING A CHANGE OF
20 NAME AS PROVIDED IN CHAPTER XI OF ACT NO. 288 OF THE PUBLIC ACTS
21 OF 1939, BEING SECTIONS 711.1 TO 711.2 OF THE MICHIGAN COMPILED
22 LAWS.

23 (4) THE CIRCUIT COURT HAS JURISDICTION CONCURRENTLY WITH THE
24 DISTRICT COURT IN CASES OF FORECLOSURE ON REAL ESTATE AND LAND
25 CONTRACTS, AS PROVIDED IN CHAPTER 31.

26 (5) THE CIRCUIT COURT HAS EXCLUSIVE JURISDICTION IN CASES
27 CONCERNING ESTATES AND WILLS, AS PROVIDED IN CHAPTER 8.

1 Sec. 666. (1) The clerk of each ~~circuit and probate~~
2 FAMILY court shall maintain a registry in which ALL OF THE
3 FOLLOWING shall be entered: ~~the following.~~

4 (a) Certified copies of custody decrees or judgments of
5 other states received for filing.

6 (b) Communications as to the pendency of custody proceedings
7 in other states.

8 (c) Communications concerning a finding of inconvenient
9 forum by a court of another state.

10 (d) Other communications or documents concerning custody
11 proceedings in another state which may affect the jurisdiction of
12 a court of this state or the disposition to be made by it in a
13 custody proceeding.

14 (2) THE FAMILY COURT SHALL MAKE 1 CERTIFIED COPY OR EXEMPLI-
15 FICATION OF ANY LETTER OF AUTHORITY OR LETTER OF GUARDIANSHIP AND
16 SHALL FURNISH IT WITHOUT CHARGE TO THE FIDUCIARY OR THE
17 FIDUCIARY'S ATTORNEY OR GUARDIAN OR GUARDIAN'S ATTORNEY ON
18 REQUEST. THE COURT, WHERE THE ORDER SHALL NECESSARILY BE ENTERED
19 IN THE ADMINISTRATION OF AN ESTATE, SHALL DELIVER TO THE PRINTER
20 OR PUBLISHER A CERTIFIED COPY OF EACH ORDER FOR PUBLICATION.

21 Sec. 667. The clerk of ~~the circuit or probate~~ EACH FAMILY
22 court of this state, at the request of the court of another state
23 or at the request of a person who is affected by, or has a legit-
24 imate interest in, a custody decree or judgment, shall certify
25 and forward a copy of the decree or judgment to that court or
26 person.

1 Sec. 833. (1) In each ~~county~~ TRIAL COURT UNIT, the
2 ~~probate~~ CIRCUIT judge ~~of the county or probate court district,~~
3 ~~or the chief probate judge in a county having 2 or more probate~~
4 OR judges ~~—~~ may appoint a probate register, at a reasonable
5 salary fixed by the county board of commissioners. The probate
6 register so appointed shall take and subscribe the oath of office
7 prescribed by the state constitution of 1963, and give bond to
8 the ~~probate~~ judge or ~~chief judge~~ JUDGES in the penal sum of
9 \$1,000.00 to be approved by ~~that~~ THE judge OR JUDGES, which
10 bond and oath shall be filed in the office of the county clerk of
11 the county. The probate register shall hold office until his
12 appointment is terminated by the ~~probate~~ judge or ~~chief judge~~
13 JUDGES.

14 (2) If a county has a probate register, the ~~probate~~
15 APPOINTING judge or ~~the chief probate judge~~ JUDGES may appoint
16 1 or more deputy probate registers, who shall ~~have such compen~~
17 ~~sation as is fixed~~ BE COMPENSATED AS DETERMINED by the county
18 board of commissioners. The term of office of the deputy probate
19 registers and their powers shall be the same as those prescribed
20 by law for probate registers. They shall take and subscribe the
21 constitutional oath of office, which shall be filed with the
22 county clerk.

23 Sec. 834. (1) Except as provided in subsection (2), a pro-
24 bate register or deputy probate register is competent to exercise
25 any of the following powers in an uncontested matter or hearing
26 when authorized by general order of the ~~probate~~ CIRCUIT COURT

1 judge ~~or chief probate judge~~ of the county in which the probate
2 register or deputy probate register was appointed:

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

6 (b) Take acknowledgments.

7 (c) Administer oaths.

8 (d) Set hearings.

9 (e) Sign notices, citations, and subpoenas.

10 (f) Take testimony required by law or supreme court rules in
11 ALL OF the following:

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

14 (ii) Admission to probate of a will, codicil, or other tes-
15 tamentary instrument.

16 ~~(iii) Change of name of persons.~~

17 (iii) ~~(iv)~~ Determination of heirs.

18 (iv) ~~(v)~~ Sale, mortgage, or lease of property.

19 (v) ~~(vi)~~ Assignment of residue of an estate or any part
20 ~~thereof~~ OF THE RESIDUE OF AN ESTATE.

21 (vi) ~~(vii)~~ Setting and approval of bonds.

22 (vii) ~~(viii)~~ Removal of fiduciaries.

23 ~~(ix) Issuing of a license to marry, if the issuance of the~~
24 ~~license is authorized under section 1 of Act No. 180 of the~~
25 ~~Public Acts of 1897, as amended, being section 551.201 of the~~
26 ~~Michigan Compiled Laws.~~

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

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

7 (b) For appointment of a guardian of a legally incapacitated
8 person or the appointment of a conservator for a reason other
9 than minority.

10 (c) For or involves a developmentally disabled person.

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

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

23 Sec. 838. (1) A ~~probate~~ CIRCUIT judge shall not sit in
24 any PROBATE proceeding:

25 (a) In which he OR SHE is a party, or is financially
26 interested.

1 (b) In which he OR SHE would be excluded from being a juror
2 by reason of consanguinity or affinity to any of the parties.

3 (c) In which he OR SHE is related within the third degree of
4 consanguinity or affinity to any of the attorneys of any party,
5 witness, or representative in the proceeding. This disqualifica-
6 tion may be waived by stipulation filed in the proceeding.

7 (d) Which involves or may involve the validity or interpre-
8 tation of a will, contract, deed, mortgage, bill of sale, note,
9 or other document which he OR SHE prepared, in the preparation of
10 which he OR SHE assisted, or to the execution of which he OR SHE
11 acted as a witness.

12 (e) Which involves a contested matter concerning which he OR
13 SHE advised a party to the contest.

14 (f) In which a probate register or other employee of the
15 ~~probate~~ court in that ~~county or probate court district~~ TRIAL
16 COURT UNIT, while holding that office or employment, prepared or
17 assisted in the preparation of a will, contract, deed, mortgage,
18 bill of sale, note, or other document involved in the hearing or
19 trial, or acted as a witness to the execution thereof.

20 (2) A CIRCUIT judge ~~of probate~~ shall not decide ~~nor~~ OR
21 participate in the decision of any question IN A PROBATE MATTER
22 which is argued in the court when he OR SHE was not present and
23 sitting therein as a judge.

24 (3) When a ~~probate~~ CIRCUIT judge is disqualified IN A PRO-
25 BATE MATTER within the meaning of subsection (1) or (2), the
26 judge shall be deemed incapacitated for purposes of section 824.

1 Sec. 839. (1) A ~~probate~~ CIRCUIT judge, probate register,
2 or employee of the ~~probate~~ CIRCUIT court shall not be:

3 (a) A fiduciary or appraiser of an estate under the juris-
4 diction of the ~~probate~~ court in the county or ~~probate court~~
5 ~~district~~ COUNTIES in which he OR SHE is a ~~probate~~ judge, pro-
6 bate register, or employee.

7 (b) An attorney or counsel in an action or matter which may
8 depend upon, or relate to, a sentence or order made or entered by
9 the ~~probate~~ judge in the county or ~~probate court district~~
10 COUNTIES in which he OR SHE is a ~~probate~~ judge, probate regis-
11 ter, or employee.

12 (c) An attorney or counsel for or against a fiduciary
13 appointed under the jurisdiction of the ~~probate~~ court in the
14 county or ~~probate court district~~ COUNTIES in which he OR SHE is
15 a ~~probate~~ judge, probate register, or employee, in any action
16 or proceeding brought by or against the fiduciary as such or in
17 any action or proceeding relating to the official conduct of that
18 fiduciary.

19 (2) A ~~probate~~ CIRCUIT judge shall not have a partner prac-
20 ticing in the ~~probate~~ CIRCUIT court in the county or ~~probate~~
21 ~~court district~~ COUNTIES in which he OR SHE is a ~~probate~~
22 judge. Unless he OR SHE is a party to the proceeding, a
23 ~~probate~~ CIRCUIT judge shall not be directly or indirectly
24 interested in the costs of a proceeding that is brought in the
25 probate court in the county or ~~probate court district~~ COUNTIES
26 in which he OR SHE is a ~~probate~~ judge.

1 (3) A clerk or employee of the ~~probate~~ CIRCUIT court may
 2 not be an appraiser, referee, or divider of an estate which is
 3 under the jurisdiction of the ~~probate~~ court in the county or
 4 ~~probate court district~~ COUNTIES in which he OR SHE is a clerk
 5 or employee.

6 Sec. 841. The ~~probate~~ CIRCUIT court has jurisdiction and
 7 power as follows:

8 (a) As conferred upon it under the revised probate code, ACT
 9 NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
 10 700.1 TO 700.993 OF THE MICHIGAN COMPILED LAWS.

11 (b) As conferred upon it under ~~chapters 10,~~ CHAPTER 11
 12 ~~and 12a~~ of Act No. 288 of the Public Acts of 1939, ~~as~~
 13 ~~amended,~~ being sections ~~710.21 to 712a.28~~ 711.1 TO 711.2 of
 14 the Michigan Compiled Laws.

15 ~~(c) As conferred upon it under Act No. 258 of the Public~~
 16 ~~Acts of 1974, as amended, being sections 330.1001 to 330.2106 of~~
 17 ~~the Michigan Compiled Laws.~~

18 (C) ~~(d)~~ As conferred upon it under this act.

19 (D) ~~(e)~~ As conferred upon it pursuant to any other law or
 20 compact.

21 Sec. 848. (1) Upon petition, where justice requires, and
 22 after due notice is given to all parties in interest, the
 23 ~~probate~~ CIRCUIT court may grant rehearings and modify and set
 24 aside orders, sentences, or judgments rendered in the court ON A
 25 PROBATE MATTER.

26 (2) The ~~probate~~ court shall make and enter an order with
 27 respect to the original hearing or rehearing of a contested

1 matter within 30 days after the termination of the hearing or
2 rehearing.

3 ~~(3) This section shall not apply to a proceeding under~~
4 ~~chapter 10 of Act No. 288 of the Public Acts of 1939, as~~
5 ~~amended.~~

6 Sec. 849. When the validity of any order or sentence of
7 the ~~probate~~ CIRCUIT court IN A PROBATE MATTER is in question in
8 any other action or proceeding, everything necessary to have been
9 done or proved to render the order or decree valid, and which
10 might have been proved by parol at the time of making the order
11 or sentence, and was not required to be recorded, shall, after 20
12 years from such time, be presumed to have been done or proved,
13 unless the contrary appears on the same record.

14 Sec. 851. Oaths required to be taken by fiduciaries,
15 appraisers, and dividers of estates, or by any other person in
16 relation to any PROBATE proceeding, ~~in the probate court,~~ may
17 be administered by a ~~probate~~ CIRCUIT judge, probate register,
18 or notary public, and a certified certificate ~~thereof~~ OF THE
19 OATH shall be returned and filed in the ~~probate~~ CIRCUIT court.

20 Sec. 852. (1) A petition, inventory, accounting, proof of
21 claim, or proof of service filed IN A PROBATE MATTER with the
22 ~~probate~~ CIRCUIT court need not be verified, acknowledged, or
23 made on oath if the person signing the instrument states immedi-
24 ately above the date and his OR HER signature: "I declare under
25 the penalties of perjury that this _____ was examined
26 by me and that the contents thereof are true to the best of my

1 information, knowledge, and belief.". ~~This provision shall not~~
2 ~~apply to nominations of guardians by minors.~~

3 (2) A person who falsely executes and files with the
4 ~~probate~~ CIRCUIT court as provided in this section an instrument
5 containing a declaration under the penalty of perjury may be
6 found guilty of contempt of court and punished therefor and shall
7 in addition be subject to the same responsibilities, liabilities,
8 and penalties as he OR SHE would have been if he OR SHE had exe-
9 cuted the instrument under oath.

10 Sec. 859. (1) The following testimony before a ~~probate~~
11 CIRCUIT judge shall be taken by an official court reporter or by
12 an official court recorder on a recording device approved by the
13 state court administrator:

14 (a) Testimony in A contested ~~matters~~ MATTER.

15 ~~(b) Testimony in matters pertaining to the admission to a~~
16 ~~hospital or other facility for mentally ill or developmentally~~
17 ~~disabled persons.~~

18 (B) ~~(c)~~ Testimony in ~~matters~~ A MATTER pertaining to
19 ~~persons~~ A PERSON having a contagious disease.

20 (C) ~~(d)~~ Testimony in other matters if requested by an
21 interested party.

22 (D) ~~(e)~~ Testimony and other proceedings required by
23 supreme court rule.

24 (2) In matters not governed by subsection (1), testimony
25 before a ~~probate~~ CIRCUIT judge, probate register, or deputy
26 probate register may be given orally without a record being made
27 of the testimony.

1 (3) The reporter or recorder shall keep sufficient index of
2 the testimony and the court shall keep the index and the original
3 notes for ~~at least~~ NOT LESS THAN 10 years. The reporter or
4 recorder need not transcribe the testimony, except when a tran-
5 script is ordered by the court or a party. Except in those cases
6 in which the testimony is transcribed and filed with the record
7 of the case, notes pertaining to a hearing for the admission of
8 any person to a hospital or other place of detention as a men-
9 tally ill or developmentally disabled person or as a person with
10 a contagious disease, shall be destroyed only after the discharge
11 of the person from the hospital or facility.

12 (4) Notes may not be destroyed until after 10 years after
13 the date of the hearing or as provided in subsection (3), which-
14 ever is longer.

15 Sec. 861. A party to a PROBATE proceeding in the ~~probate~~
16 CIRCUIT court may appeal the following orders as a matter of
17 right to the court of appeals:

18 (a) A final order affecting the rights or interests of any
19 interested person in an estate or trust.

20 ~~(b) An order entered in an adoption proceeding under chap-~~
21 ~~ter X of Act No. 288 of the Public Acts of 1939, as amended,~~
22 ~~being sections 710.21 to 710.70 of the Michigan Compiled Laws,~~
23 ~~and appealed in accordance with section 65 of chapter X of Act~~
24 ~~No. 288 of the Public Acts of 1939, as amended, being section~~
25 ~~710.65 of the Michigan Compiled Laws.~~

26 ~~(c) The following final orders entered by the juvenile~~
27 ~~division of the probate court:~~

1 ~~(i) An order of disposition placing a child under the~~
 2 ~~supervision of the court or removing the child from his or her~~
 3 ~~home.~~

4 ~~(ii) An order terminating parental rights.~~

5 (B) ~~(d)~~ A final order in a condemnation case entered under
 6 the drain code of 1956, Act No. 40 of the Public Acts of 1956, as
 7 amended, being sections 280.1 to 280.630 of the Michigan Compiled
 8 Laws.

9 Sec. 867. ~~(1) After~~ IN A PROBATE MATTER, AFTER an appeal
 10 is claimed and notice of the appeal is given at the ~~probate~~
 11 CIRCUIT court, all further proceedings in pursuance of the order,
 12 sentence, or judgment appealed from shall cease until the appeal
 13 is determined. ~~, except as otherwise provided in subsection (2)~~
 14 ~~and in section 65(2) of chapter 10 of Act No. 288 of the Public~~
 15 ~~Acts of 1939, being section 710.65 of the Michigan Compiled~~
 16 ~~Laws.~~

17 ~~(2) The pendency of an appeal from the juvenile division of~~
 18 ~~the probate court or from an order of the probate court entered~~
 19 ~~pursuant to Act No. 258 of the Public Acts of 1974, as amended,~~
 20 ~~being sections 330.1001 to 330.2106 of the Michigan Compiled Laws~~
 21 ~~shall not suspend the order unless the court to which the appeal~~
 22 ~~is taken specifically orders the suspension. An application for~~
 23 ~~a delayed appeal from an order of the juvenile division shall be~~
 24 ~~filed within 6 months after entry of the order.~~

25 Sec. 871. (1) In all decedents' estates in which proceed-
 26 ings are instituted for probate, the ~~probate~~ CIRCUIT court
 27 shall charge and collect the following fees as an expense of

1 administration on the value of all assets, as of the date of
2 death of the decedent, as follows:

3 (a) In an estate of value of less than \$1,000.00, \$5.00 plus
4 1% of the amount over \$500.00.

5 (b) In an estate of value of \$1,000.00 or more, but less
6 than \$3,000.00, \$25.00.

7 (c) In an estate of value of \$3,000.00 or more but less than
8 \$10,000.00, \$25.00 plus $\frac{5}{8}$ of 1% of the amount over \$3,000.00.

9 (d) In an estate of value of \$10,000.00 or more but less
10 than \$25,000.00, \$68.75 plus $\frac{1}{2}$ of 1% of the amount over
11 \$10,000.00.

12 (e) In an estate of value of \$25,000.00 but less than
13 \$50,000.00, \$143.75 plus $\frac{3}{8}$ of 1% of the amount over
14 \$25,000.00.

15 (f) In an estate of value of \$50,000.00 but less than
16 \$100,000.00, \$237.50 plus $\frac{1}{4}$ of 1% of the amount over
17 \$50,000.00.

18 (g) In an estate of value of \$100,000.00 to \$500,000.00,
19 \$362.50 plus $\frac{1}{8}$ of 1% of the amount over \$100,000.00.

20 (h) For each additional \$100,000.00 value, or larger frac-
21 tion thereof, over \$500,000.00, \$62.50.

22 (i) For each additional \$100,000.00 value, or larger frac-
23 tion thereof, over \$1,000,000.00, \$31.25.

24 (2) The fees in subsection (1) shall be due and payable to
25 the ~~probate~~ court before the filing of the final account or
26 within 1 year after the commencement of probate proceedings,
27 whichever occurs first. A final accounting shall not be accepted

1 by the ~~probate~~ court until the fees are paid in full and shown
 2 as part of the final accounting. An official receipt shall be
 3 issued to the payer when the fees are collected.

4 Sec. 874. ~~(+)~~ The ~~probate~~ CIRCUIT court shall charge
 5 and collect the following fees IN PROBATE MATTERS:

6 ~~(a) For performing a marriage ceremony, \$10.00.~~

7 (A) ~~(b)~~ For issuance of a commission to take testimony,
 8 \$7.00.

9 (B) ~~(c)~~ For taking, certifying, sealing, and forwarding
 10 depositions, \$5.00, and 10 cents per folio, which fees shall be
 11 considered as costs in the case; and for each copy of the deposi-
 12 tion furnished, 3 cents per folio.

13 ~~(2) A probate judge may waive the fee for performing a mar-~~
 14 ~~riage ceremony if the parties thereto are indigent.~~

15 Sec. 876. A charge shall not be made nor shall ~~any~~ A fee
 16 be collected on account of, or by reason of, the furnishing of A
 17 certified ~~copies~~ COPY in connection with proceedings ~~for the~~
 18 ~~admission and commitment of persons to mental hospitals or any~~
 19 ~~facility or institution maintained or operated by the state or~~
 20 ~~the federal government for the care of mentally ill or retarded~~
 21 ~~persons, or~~ for determining inheritance tax.

22 Sec. 877. All fees received by the ~~probate~~ CIRCUIT court
 23 ON PROBATE MATTERS during each month pursuant to sections 871 to
 24 874 shall be paid on or before the tenth day of the succeeding
 25 month ~~as follows: (a) Two fifths of each fee shall be paid to~~
 26 the county treasurer and credited to the county general fund.

1 ~~(b) Three-fifths of each fee shall be paid to the state~~
2 ~~treasurer and credited to the state general fund.~~

3 Sec. 878. (1) The ~~probate~~ CIRCUIT court reporter or
4 recorder may collect for transcripts of testimony requested by
5 any interested party or ordered by the ~~probate~~ judge IN A PRO-
6 BATE MATTER, other than depositions, the same fees as provided by
7 section 2543 for circuit court reporters or recorders unless a
8 lower rate is agreed upon. The transcript fees so collected
9 shall be paid to the probate court reporter or recorder by the
10 ordering party, or by the county for a transcript ordered by a
11 ~~probate~~ judge, which fees shall accrue to the reporter or
12 recorder as additional compensation.

13 (2) Fees shall not be charged or collected for transcripts
14 provided under Act No. 243 of the Public Acts of 1919, being sec-
15 tion 35.41 of the Michigan Compiled Laws.

16 Sec. 879. (1) A ~~probate~~ CIRCUIT judge, probate register,
17 clerk, or employee of the ~~probate~~ CIRCUIT court shall not
18 receive or accept any compensation whatever for collecting from a
19 fiduciary or estate any fees for the publishing of a notice or
20 matter required in a PROBATE proceeding in the ~~probate~~ court.

21 (2) A ~~probate~~ CIRCUIT judge shall not collect or receive
22 any fee from, or charge any costs to, a person REGARDING A PRO-
23 BATE MATTER unless the payment of the fee or costs is expressly
24 authorized by law. A person violating this section is guilty of
25 malfeasance in office.

26 Sec. 880. (1) Except as otherwise provided in this section
27 and section 880a, at the time of commencing a civil action or

1 proceeding REGARDING A PROBATE MATTER in the ~~probate~~ CIRCUIT
2 court, the party commencing the civil action or proceeding shall
3 pay a filing fee to the probate ~~court~~ register. The amount of
4 the filing fee is as follows:

5 (a) Beginning October 1, 1993 and until October 1, 1994,
6 \$60.00.

7 (b) Beginning October 1, 1994 and until October 1, 1995,
8 \$70.00.

9 (c) Beginning October 1, 1995 and until October 1, 1996,
10 \$80.00.

11 (d) Beginning October 1, 1996 and until October 1, 1997,
12 \$90.00.

13 (e) Beginning October 1, 1997, \$100.00.

14 (2) At the time of commencing a proceeding pursuant to sec-
15 tion 102 of Act No. 288 of the Public Acts of 1939, being section
16 700.102 of the Michigan Compiled Laws, the party commencing the
17 proceeding shall pay a \$25.00 filing fee to the probate ~~court~~
18 register.

19 ~~(3) Except as otherwise provided by law, a fee shall not be~~
20 ~~charged for commencing a proceeding in probate court pursuant to~~
21 ~~any provision of the mental health code, Act No. 258 of the~~
22 ~~Public Acts of 1974, being sections 330.1001 to 330.2106 of the~~
23 ~~Michigan Compiled Laws, or any provision of chapter XIII A of Act~~
24 ~~No. 288 of the Public Acts of 1939, being sections 712A.1 to~~
25 ~~712A.28 of the Michigan Compiled Laws.~~

26 ~~(4) A fee shall not be charged for filing an acknowledgment~~
27 ~~of paternity in probate court.~~

1 (3) ~~-(5)-~~ A party is not required to pay a fee under this
 2 section if the party is the attorney general, department of trea-
 3 sury, department of social services state public administrator,
 4 or administrator of veterans affairs of the United States veter-
 5 ans administration, or an agency of county government.

6 (4) ~~-(6)-~~ The probate register, on or before the fifth day
 7 of the month following the month in which the fees are collected
 8 under this section, shall transmit to the county treasurer all
 9 fees collected under this section during the preceding month.
 10 Within 15 days after receiving the fees, the county treasurer
 11 shall transmit \$21.00 of each fee collected under subsection (1)
 12 to the executive secretary of the Michigan judges retirement
 13 system created by the judges retirement act of 1992, Act No. 234
 14 of the Public Acts of 1992, being sections 38.2101 to 38.2608 of
 15 the Michigan Compiled Laws, and the balance of each fee collected
 16 under subsection (1) and all fees collected under subsection (2)
 17 to the state treasurer for deposit in the state court fund cre-
 18 ated by section 151a.

19 Sec. 880b. (1) Except as otherwise provided by law after
 20 the commencement of a civil action or proceeding in the probate
 21 court, a party filing a motion, petition, account, objection, or
 22 claim shall pay a \$15.00 motion fee to the probate register.

23 ~~-(2) A fee shall not be charged under this section in a~~
 24 ~~guardianship or limited guardianship proceeding if the moving~~
 25 ~~party is the subject of the proceeding.~~

26 ~~-(3) A fee shall not be charged under this section in a~~
 27 ~~conservatorship proceeding if the moving party is the subject of~~

~~1 the proceeding, or, in the case of a conservatorship for a minor~~
~~2 for a motion to release restricted funds.~~

3 (2) ~~-(4)-~~ A party is not required to pay a fee under this
 4 section if the party is the attorney general, department of trea-
 5 sury, department of social services state public administrator,
 6 or administrator of veterans affairs of the United States veter-
 7 ans administration, or an agency of county government.

8 (3) ~~-(5)-~~ The probate register, on or before the fifth day
 9 of the month following the month in which any fees are collected
 10 under this section, shall transmit to the county treasurer all
 11 fees collected under this section during the preceding month.
 12 Within 15 days after receiving the fees, the county treasurer
 13 shall transmit 50% of each fee collected to the state treasurer
 14 for deposit in the state court fund created by section 151a, and
 15 shall deposit the remaining 50% of each fee in the county general
 16 fund for use exclusively for expenses of the probate court, to be
 17 first applied toward expenses in adult guardianship proceedings
 18 of the independent evaluations, legal counsel, and periodic
 19 review mandated by article 4 of the revised probate code, Act
 20 No. 642 of the Public Acts of 1978, being sections 700.401 to
 21 700.499 of the Michigan Compiled Laws.

22 Sec. 230c. ~~-(1) Upon appeal from the probate court to the~~
~~23 circuit court or court of appeals, the party bringing the appeal~~
~~24 shall pay a \$25.00 fee to the probate court register.~~

25 (1) ~~-(2)-~~ Upon registering a trust or depositing a will for
 26 safekeeping, the person registering the trust or depositing the
 27 will shall pay a \$25.00 fee to the probate court register.

1 (2) ~~(3)~~ The probate ~~court~~ register, on or before the
2 fifth day of the month following the month in which any fees are
3 collected under this section, shall transmit all fees collected
4 under this section during the previous month to the county
5 treasurer. The county treasurer shall deposit all the fees in
6 the county general fund. ~~for use exclusively for expenses of~~
7 ~~the probate court, to be first applied toward expenses in adult~~
8 ~~guardianship proceedings of the independent evaluations, legal~~
9 ~~counsel, and periodic review mandated by article 4 of the revised~~
10 ~~probate code, Act No. 642 of the Public Acts of 1978, being~~
11 ~~sections 700.401 to 700.499 of the Michigan Compiled Laws.~~

12 Sec. 880d. A CIRCUIT judge ~~of probate~~ shall order that
13 the payment of any fee required under this chapter be waived or
14 suspended, in whole or in part, upon a showing by affidavit of
15 indigency or inability to pay.

16 CHAPTER 10.

17 FAMILY COURT

18 SEC. 1001. THE FAMILY COURT IS CREATED AND HAS THE JURIS-
19 DICTION AND POWERS PROVIDED IN THIS CHAPTER.

20 SEC. 1003. (1) EACH UNIT OF THE TRIAL COURT SHALL HAVE A
21 FAMILY COURT.

22 (2) EACH UNIT OF THE TRIAL COURT SHALL HAVE AT LEAST 1 JUDGE
23 OF THE FAMILY COURT.

24 (3) JUDGES OF THE FAMILY COURT SHALL BE NOMINATED AND
25 ELECTED PURSUANT TO THE MICHIGAN ELECTION LAW, ACT NO. 116 OF THE
26 PUBLIC ACTS OF 1954, BEING SECTIONS 168.1 TO 168.992 OF THE
27 MICHIGAN COMPILED LAWS.

1 (4) IN A UNIT OF THE TRIAL COURT HAVING MORE THAN 1 JUDGE OF
2 THE FAMILY COURT, THE JUDGES' TERMS SHALL BE ARRANGED IN THE SAME
3 MANNER PRESCRIBED FOR CIRCUIT JUDGES IN SECTION 416B OF ACT
4 NO. 116 OF THE PUBLIC ACTS OF 1954, BEING SECTION 168.416B OF THE
5 MICHIGAN COMPILED LAWS.

6 (5) THE NAMES OF THE CANDIDATES FOR JUDGESHIPS OF THE FAMILY
7 COURT SHALL APPEAR ON THE BALLOT SEPARATELY FROM THE NAMES OF
8 OTHER CANDIDATES FOR JUDGESHIPS.

9 SEC. 1005. A JUDGE OF THE FAMILY COURT SHALL MEET THE ELI-
10 GIBILITY REQUIREMENTS OF SECTION 431 OF THE MICHIGAN ELECTION
11 LAW, ACT NO. 116 OF THE PUBLIC ACTS OF 1954, BEING SECTION
12 168.431 OF THE MICHIGAN COMPILED LAWS.

13 SEC. 1007. (1) THE TERM OF A JUDGE OF THE FAMILY COURT
14 SHALL COMMENCE ON THE JANUARY 1 IMMEDIATELY FOLLOWING THE DATE OF
15 ELECTION.

16 (2) A JUDGE OF THE FAMILY COURT SHALL QUALIFY BY TAKING THE
17 CONSTITUTIONAL OATH OF OFFICE. THE JUDGE SHALL SUBSCRIBE THE
18 OATH AND FILE THE OATH IN THE OFFICE OF THE COUNTY CLERK.

19 SEC. 1011. THE COUNTY OR COUNTIES IN EACH TRIAL COURT UNIT
20 SHALL PROVIDE THE BOOKS, PRINTED BLANK FORMS, AND OTHER STATIO-
21 NERY NECESSARY FOR KEEPING THE RECORDS IN THE OFFICE OF THE JUDGE
22 OF THE FAMILY COURT, AND ALL FURNITURE, EQUIPMENT, AND SUPPLIES
23 NECESSARY FOR EQUIPPING AND MAINTAINING THE OFFICE.

24 SEC. 1017. (1) IN EACH TRIAL COURT UNIT, THE JUDGE OR
25 JUDGES OF THE FAMILY COURT SHALL HAVE POSSESSION OF THE SEAL,
26 RECORDS, BOOKS, FILES, AND PAPERS BELONGING TO THE FAMILY COURT.
27 EACH JUDGE SHALL KEEP A TRUE AND CORRECT RECORD OF EACH ORDER,

1 SENTENCE, AND DECREE OF THE FAMILY COURT, AND OF ALL OTHER
2 OFFICIAL ACTS MADE OR DONE BY THE JUDGE AND OF ALL OTHER THINGS
3 PROPER TO BE RECORDED IN THE FAMILY COURT.

4 (2) THE RECORDS, EXCEPT AS OTHERWISE PROVIDED BY LAW, MAY BE
5 INSPECTED WITHOUT CHARGE BY AN INTERESTED PERSON.

6 (3) THE FAMILY COURT SHALL MAINTAIN AN ALPHABETICA INDEX TO
7 THE RECORDS OF THE FAMILY COURT PROCEEDINGS IN EACH TRIAL COURT
8 UNIT.

9 SEC. 1021. (1) THE FAMILY COURT HAS EXCLUSIVE JURISDICTION
10 OVER THE FOLLOWING CASES COMMENCED AFTER THE EFFECTIVE DATE OF
11 THIS CHAPTER:

12 (A) CASES OF DIVORCE AND ANCILLARY MATTERS AS SET FORTH IN
13 THE FOLLOWING STATUTES IF THERE ARE MINOR CHILDREN OF THE
14 PARTIES:

15 (i) CHAPTER 84 OF THE REVISED STATUTES OF 1846, BEING SEC-
16 TIONS 552.1 TO 552.45 OF THE MICHIGAN COMPILED LAWS.

17 (ii) ACT NO. 259 OF THE PUBLIC ACTS OF 1909, BEING SECTIONS
18 552.101 TO 552.104 OF THE MICHIGAN COMPILED LAWS.

19 (iii) ACT NO. 52 OF THE PUBLIC ACTS OF 1911, BEING SECTIONS
20 552.121 TO 552.123 OF THE MICHIGAN COMPILED LAWS.

21 (iv) ACT NO. 379 OF THE PUBLIC ACTS OF 1913, BEING SECTIONS
22 552.151 TO 552.155 OF THE MICHIGAN COMPILED LAWS.

23 (v) THE FRIEND OF THE COURT ACT, ACT NO. 294 OF THE PUBLIC
24 ACTS OF 1982, BEING SECTIONS 552.501 TO 552.535 OF THE MICHIGAN
25 COMPILED LAWS.

26 (vi) ACT NO. 299 OF THE PUBLIC ACTS OF 1905, BEING SECTION
27 552.391 OF THE MICHIGAN COMPILED LAWS.

1 (vii) ACT NO. 42 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS
2 552.401 TO 552.402 OF THE MICHIGAN COMPILED LAWS.

3 (viii) ACT NO. 138 OF THE PUBLIC ACTS OF 1966, BEING SEC-
4 TIONS 552.451 TO 552.459 OF THE MICHIGAN COMPILED LAWS.

5 (ix) THE INTERSTATE INCOME WITHHOLDING ACT, ACT NO. 216 OF
6 THE PUBLIC ACTS OF 1985, BEING SECTIONS 552.671 TO 552.685 OF THE
7 MICHIGAN COMPILED LAWS.

8 (B) CASES INVOLVING GUARDIANS AND CONSERVATORS AS PROVIDED
9 IN SECTIONS 401 TO 499 OF THE REVISED PROBATE CODE, ACT NO. 642
10 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 700.401 TO 700.499 OF
11 THE MICHIGAN COMPILED LAWS.

12 (C) CASES OF ADOPTION AS PROVIDED IN CHAPTER X OF ACT
13 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 710.1 TO
14 710.70 OF THE MICHIGAN COMPILED LAWS.

15 (D) CASES INVOLVING CERTAIN CHILDREN INCAPABLE OF ADOPTION
16 UNDER ACT NO. 271 OF THE PUBLIC ACTS OF 1925, BEING SECTIONS
17 722.531 TO 722.534 OF THE MICHIGAN COMPILED LAWS.

18 (E) CASES INVOLVING JUVENILES AS PROVIDED IN CHAPTER XIIA OF
19 ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO
20 712A.31 OF THE MICHIGAN COMPILED LAWS.

21 (F) CASES INVOLVING THE STATUS OF MINORS AND THE EMANCIPA-
22 TION OF MINORS UNDER ACT NO. 293 OF THE PUBLIC ACTS OF 1968,
23 BEING SECTIONS 722.1 TO 722.6 OF THE MICHIGAN COMPILED LAWS.

24 (G) CASES OF CHILD CUSTODY UNDER THE CHILD CUSTODY ACT OF
25 1970, ACT NO. 91 OF THE PUBLIC ACTS OF 1970, BEING SECTIONS
26 722.21 TO 722.29 OF THE MICHIGAN COMPILED LAWS, AND CHILD CUSTODY
27 JURISDICTION AS PROVIDED IN SECTIONS 651 TO 673.

1 (H) CASES INVOLVING PATERNITY AND CHILD SUPPORT UNDER THE
2 PATERNITY ACT, ACT NO. 205 OF THE PUBLIC ACTS OF 1956, BEING
3 SECTIONS 722.711 TO 722.730 OF THE MICHIGAN COMPILED LAWS.

4 (I) CASES INVOLVING CHILD SUPPORT UNDER THE REVISED UNIFORM
5 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, ACT NO. 8 OF THE PUBLIC
6 ACTS OF 1952, BEING SECTIONS 780.151 TO 780.183 OF THE MICHIGAN
7 COMPILED LAWS.

8 (2) THE FAMILY COURT HAS JURISDICTION CONCURRENTLY WITH THE
9 CIRCUIT COURT AND DISTRICT COURT IN CASES INVOLVING A CHANGE OF
10 NAME AS PROVIDED IN CHAPTER XI OF ACT NO. 288 OF THE PUBLIC ACTS
11 OF 1939, BEING SECTIONS 711.1 TO 711.2 OF THE MICHIGAN COMPILED
12 LAWS.

13 SEC. 1023. NOTICE FOR AN ACTION OR PROCEEDING CONDUCTED
14 UNDER THIS CHAPTER SHALL BE GOVERNED BY SUPREME COURT RULE.

15 SEC. 1027. (1) IF A PARTY TO AN ACTION IN THE FAMILY COURT
16 DEMANDS A JURY, THE JURY SHALL BE SUMMONED AND SELECTED PURSUANT
17 TO CHAPTER 13. WITH RESPECT TO JURORS AN EXAMINATION, CHALLENGE,
18 REPLACEMENT, OATH, OR OTHER PRACTICE WHICH IS NOT GOVERNED BY
19 CHAPTER 13 SHALL BE GOVERNED BY RULES ADOPTED BY THE SUPREME
20 COURT.

21 (2) IF A JURY TRIAL IS DEMANDED IN AN ACTION BY A PARTY
22 HAVING A RIGHT TO HAVE A JURY DETERMINE AN ISSUE, THE DEMANDING
23 PARTY SHALL PAY A JURY FEE IN AN AMOUNT EQUAL TO THE JURY FEE
24 REQUIRED IN THE CIRCUIT COURT IN THE SAME TRIAL COURT UNIT, BUT
25 NOT TO EXCEED \$30.00. A JURY FEE SHALL NOT BE REQUIRED FROM A
26 PARTY DEMANDING A JURY TRIAL UNDER CHAPTER 96 OR UNDER THE MENTAL

1 HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING
2 SECTIONS 330.1001 TO 330.2106 OF THE MICHIGAN COMPILED LAWS.

3 SEC. 1029. (1) IF IT APPEARS REASONABLE AND PROPER, THE
4 FAMILY COURT MAY REQUIRE A PARTY TO A PROCEEDING, BEFORE A HEAR-
5 ING, TO GIVE SUFFICIENT SECURITY FOR ALL COSTS AS MAY BE AWARDED
6 AGAINST THAT PARTY.

7 (2) IN A CONTESTED CASE, THE FAMILY COURT MAY AWARD COSTS TO
8 EITHER PARTY TO BE PAID BY THE OTHER PARTY AS JUSTICE AND EQUITY
9 REQUIRE.

10 SEC. 1031. (1) TESTIMONY REQUIRED TO BE TAKEN IN A MATTER
11 IN THE FAMILY COURT SHALL BE TAKEN BY AN OFFICIAL COURT STENOGRA-
12 PHER OR A MECHANICAL RECORDING DEVICE APPROVED BY THE SUPREME
13 COURT. TESTIMONY MAY BE TAKEN BEFORE A JUDGE OF THE FAMILY
14 COURT.

15 (2) THE STENOGRAPHER SHALL KEEP A SUFFICIENT INDEX OF THE
16 TESTIMONY AND THE COURT SHALL KEEP THE INDEX AND THE ORIGINAL
17 NOTES FOR NOT LESS THAN 15 YEARS. THE STENOGRAPHER NEED NOT
18 TRANSCRIBE THE TESTIMONY, EXCEPT WHEN A TRANSCRIPT IS ORDERED BY
19 THE COURT OR A PARTY.

20 (3) NOTES MAY NOT BE DESTROYED UNTIL AFTER 15 YEARS AFTER
21 THE DATE OF THE HEARING OR AS PROVIDED IN SUBSECTION (2), WHICH-
22 EVER IS LONGER.

23 SEC. 1033. (1) A PARTY TO A PROCEEDING IN THE FAMILY COURT
24 MAY APPEAL AS A MATTER OF RIGHT A FINAL ORDER OF THE FAMILY COURT
25 TO THE COURT OF APPEALS.

26 (2) AN APPEAL FROM THE FAMILY COURT SHALL BE ON A WRITTEN
27 TRANSCRIPT OF THE RECORD MADE IN THE COURT OR ON A RECORD SETTLED

1 AND AGREED TO BY THE PARTIES AND APPROVED BY THE COURT. AN
2 APPEAL SHALL NOT BE TRIED DE NOVO.

3 (3) NOTICE OF APPEAL SHALL BE GIVEN TO EACH INTERESTED PARTY
4 AS PROVIDED BY SUPREME COURT RULE.

5 (4) AN APPEAL FROM THE FAMILY COURT SHALL BE GOVERNED BY
6 SUPREME COURT RULE.

7 SEC. 1035. A FEE SHALL NOT BE CHARGED FOR ANY OF THE FOL-
8 LOWING IN THE FAMILY COURT:

9 (A) COMMENCING A PROCEEDING UNDER ANY PROVISION OF THE
10 MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING
11 SECTIONS 330.1001 TO 330.2106 OF THE MICHIGAN COMPILED LAWS, OR
12 ANY PROVISION OF CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS
13 OF 1939, BEING SECTIONS 712A.1 TO 712A.31 OF THE MICHIGAN
14 COMPILED LAWS.

15 (B) FILING AN ACKNOWLEDGMENT OF PATERNITY.

16 (C) FILING A MOTION, PETITION, ACCOUNT, OBJECTION, OR CLAIM
17 IN A GUARDIANSHIP OR LIMITED GUARDIANSHIP PROCEEDING IF THE
18 MOVING PARTY IS THE SUBJECT OF THE PROCEEDING.

19 (D) A CONSERVATORSHIP PROCEEDING IF THE MOVING PARTY IS THE
20 SUBJECT OF THE PROCEEDING, OR IN THE CASE OF A CONSERVATORSHIP
21 FOR A MINOR FOR A MOTION TO RELEASE RESTRICTED FUNDS.

22 SEC. 1037. (1) AT THE TIME OF COMMENCING A GUARDIANSHIP OR
23 LIMITED GUARDIANSHIP PROCEEDING IN THE FAMILY COURT, THE PARTY
24 COMMENCING THE PROCEEDING SHALL PAY A \$50.00 FILING FEE TO THE
25 FAMILY COURT.

26 (2) A PARTY IS NOT REQUIRED TO PAY A FEE UNDER THIS SECTION
27 IF THE PARTY IS THE ATTORNEY GENERAL, DEPARTMENT OF TREASURY,

1 DEPARTMENT OF SOCIAL SERVICES STATE PUBLIC ADMINISTRATOR, OR
2 ADMINISTRATOR OF VETERANS AFFAIRS OF THE UNITED STATES VETERANS
3 ADMINISTRATION, OR AN AGENCY OF COUNTY GOVERNMENT.

4 (3) THE CLERK OF THE COURT, ON OR BEFORE THE FIFTH DAY OF
5 THE MONTH FOLLOWING THE MONTH IN WHICH ANY FEES ARE COLLECTED
6 UNDER THIS SECTION, SHALL TRANSMIT TO THE COUNTY TREASURER ALL
7 FEES COLLECTED UNDER THIS SECTION DURING THE PRECEDING MONTH.

8 Sec. 1114. ~~(1) Except as provided in subsection (2), the~~
9 THE reporter or recorder of each circuit shall receive as compen-
10 sation for his or her services the salary specified in this chap-
11 ter payable in monthly installments out of the treasuries of the
12 counties composing the circuit of which he or she is the reporter
13 or recorder upon the order of the clerk of the court or board of
14 county auditors who are authorized and required to draw the
15 orders. The county treasurer shall pay an installment upon pre-
16 sentation of an order.

17 ~~(2) In the third circuit, the reporter or recorder shall be~~
18 ~~paid by the state.~~

19 Sec. 1168. The county board of commissioners of the coun-
20 ties comprising any judicial circuit ~~except the third judicial~~
21 ~~circuit~~ may appropriate annually from the general fund addi-
22 tional amounts to supplement the salary of any reporter or
23 recorder.

24 Sec. 1302. The jury board shall elect annually from its
25 members a president and secretary. The members of the board
26 shall be paid an annual salary in an amount fixed by the board of
27 commissioners or, instead of an annual salary, be paid an amount

1 fixed by the board of commissioners for each day of service. ~~In~~
 2 ~~the county of Wayne, the compensation of the members of the board~~
 3 ~~shall be paid by the state, and shall be fixed in the same manner~~
 4 ~~as provided in sections 592 and 9104.~~ A majority of the board
 5 constitutes a quorum.

6 Sec. 1303. The county board of commissioners of ~~counties~~
 7 ~~other than the county of Wayne~~ EACH COUNTY may authorize assist-
 8 ants to the jury board and fix their salaries. ~~In the county of~~
 9 ~~Wayne, the executive chief judge of the circuit court in the~~
 10 ~~third judicial circuit and the recorder's court of the city of~~
 11 ~~Detroit may authorize employees of the state judicial council~~
 12 ~~serving in the circuit court in the third judicial circuit or the~~
 13 ~~recorder's court to assist the jury board.~~

14 Sec. 1416. (1) The following courts are courts of record
 15 and possess seals:

- 16 (a) ~~the~~ THE supreme court. ~~/~~
- 17 (b) ~~the several~~ THE circuit courts. ~~/~~
- 18 (c) ~~the several probate~~ THE FAMILY courts. ~~/~~
- 19 ~~(d) the recorder's court of Detroit,~~
- 20 (D) ~~(e) the~~ THE court of claims. ~~/ and~~
- 21 (E) ~~(f) any~~ ANY other courts the legislature designates as
 22 courts of record.

23 (2) Whenever the seal of any court becomes unusable, the
 24 court shall have that seal destroyed.

25 (3) Whenever the seal of any court is lost or destroyed,
 26 that court shall have a duplicate made which then shall become
 27 the seal of that court.

1 (4) The expense of a new seal for a court shall be paid from
2 the state treasury.

3 Sec. 1450. The court administrator, under the supervision
4 and direction of the supreme court, shall call an annual state-
5 wide meeting of the circuit judges ~~and the judges of the~~
6 ~~recorder's court of the city of Detroit and an annual statewide~~
7 ~~meeting of the probate judges of the state,~~ and such additional
8 statewide and regional meetings of such judges, or any number of
9 them, as he OR SHE may at the direction of the supreme court ~~—~~
10 from time to time determine. ~~—~~ THE MEETINGS SHALL BE for the
11 purpose of studying the organization, rules, methods of procedure
12 and practice of the judicial system of this state, the problems
13 of administration confronting the courts and the judicial system
14 in general and making recommendations for the modification or
15 amelioration of existing conditions, for harmonizing and improv-
16 ing laws, or for amendments to the rules and statutes relating to
17 practice and procedure in the judicial system of the state.

18 Sec. 1452. The judges shall attend ~~such~~ THE meetings
19 AUTHORIZED UNDER SECTION 1450 when and as directed by the STATE
20 court administrator. Each justice of the supreme court, judges
21 of the court of appeals, the circuit judges, ~~judges of the~~
22 ~~recorder's court of the city of Detroit, the probate judges,~~ and
23 the STATE court administrator who ~~shall be in attendance at such~~
24 ~~meetings~~ ATTEND A MEETING shall be reimbursed from the state
25 treasury, upon the warrant of the state treasurer, for their
26 actual and necessary expenses incurred in attending ~~such~~
27 ~~meetings~~ THAT MEETING.

1 Sec. 1481. (1) In every state court of record in Michigan
2 inferior to the supreme court which now has, and in any such
3 court which may hereafter have, 10 or more judges, ~~such~~ THE
4 judges may appoint an attorney to serve as judicial assistant to
5 their court, who shall subscribe a constitutional oath of office
6 administered by the presiding judge of the court and file ~~same~~
7 THE OATH with the secretary of state, whereupon the governor
8 shall issue to ~~such~~ THE judicial assistant an official certifi-
9 cate of appointment under seal. ~~Such~~ THE appointee shall be an
10 attorney in good standing, licensed to practice in all courts of
11 the state of Michigan and in the United States supreme court;
12 ~~such officer~~ shall have at least 5 years of active practice,
13 including appellate experience; ~~—~~ and preferably shall have had
14 prior experience in government service in a legal capacity.

15 (2) The judicial assistant, acting under the direction of
16 the judges, shall confer with the judges upon pending matters of
17 procedure and substantive law; conduct legal research, analyze
18 briefs submitted and referred to the judicial assistant for com-
19 ment and recommendation; study pending legislation and current
20 decisions for their possible impact on court problems, and keep
21 the judges and court officers advised thereon; recommend remedial
22 legislation and draft ~~same~~ THAT LEGISLATION, and draft legisla-
23 tion suggested or requested by judges or court officials; act as
24 official legal advisor to all departments of the court; represent
25 the court, the judges or court officers in court matters arising
26 out of their official duties in situations wherein the
27 prosecuting attorney or attorney general has conflicting interest

1 or responsibilities, or is otherwise disqualified; including
2 court matters of original, as well as appellate jurisdiction
3 affecting the court; and act as amicus curiae in appellate mat-
4 ters of interest to the court.

5 (3) The compensation of a judicial assistant shall be fixed
6 by the recommending judges within the sum appropriated ~~therefor~~
7 by the legislative body of the governmental unit, other than the
8 state of Michigan, which pays the compensation of ~~such~~ THE
9 judges. In case 2 or more governmental units contribute to the
10 compensation of ~~such~~ THE judges, the salary of the judicial
11 assistant shall be paid by the unit, other than the state of
12 Michigan, which contributes the greater portion of such salaries,
13 unless the legislative bodies of the respective units elect to
14 share in paying the compensation of ~~such~~ THE judicial
15 assistant. ~~This subsection shall not apply to a judicial~~
16 ~~assistant governed by subsection (4).~~

17 ~~(4) Effective September 1, 1981, in the district court in~~
18 ~~the thirty sixth district, the compensation of the judicial~~
19 ~~assistant shall be paid by the state and fixed as provided in~~
20 ~~section 8272. In the circuit court in the third judicial cir-~~
21 ~~cuit, the compensation of the judicial assistant shall be paid by~~
22 ~~the state and fixed as provided in section 592. In the~~
23 ~~recorder's court of the city of Detroit, the compensation of the~~
24 ~~judicial assistant shall be paid by the state and fixed as pro-~~
25 ~~vided in section 34 of Act No. 369 of the Public Acts of 1919,~~
26 ~~being section 725.34 of the Michigan Compiled Laws.~~

1 (4) ~~-(5)-~~ The term of office of the judicial assistant shall
2 be coextensive with the term of the recommending judges, subject
3 to reappointments for like terms. The assistant shall be a
4 public officer. The judicial assistant shall not be subject to
5 civil service regulation, nor to compulsory retirement. Removal
6 during any given term shall be by the governor upon recommenda-
7 tion by the judges of the court.

8 SEC. 1482. (1) EACH PLAINTIFF AND DEFENDANT IN A CIVIL
9 ACTION SHALL ELECT 1 OR MORE OF THE FOLLOWING METHODS TO RESOLVE
10 THE CASE WITHIN 21 DAYS AFTER ACTION HAS BEEN FILED:

11 (A) BINDING MEDIATION AS PROVIDED IN CHAPTER 49B.

12 (B) BINDING ARBITRATION AS PROVIDED IN CHAPTER 49C.

13 (C) TRIAL WITH MANDATORY NONBINDING MEDIATION AND SANCTIONS
14 UNDER THE MICHIGAN COURT RULES.

15 (2) EACH PARTY SHALL MAKE HIS OR HER ELECTIONS ON AN ELEC-
16 TION FORM CREATED BY THE STATE COURT ADMINISTRATOR. THE ELECTION
17 FORM SHALL BE PROVIDED BY THE CLERK OF THE COURT.

18 (3) EACH PARTY SHALL PRESENT THE CLERK OF THE COURT WITH THE
19 COMPLETED ELECTION FORM IN A SEALED ENVELOPE. THE CLERK SHALL
20 COMPARE THE FORMS OF EACH PLAINTIFF AND DEFENDANT, AND THE CASE
21 WILL BE RESOLVED BY THE FIRST METHOD THAT IS CHOSEN BY BOTH
22 PARTIES. IF NONE OF THE ELECTIONS OF THE PLAINTIFF AND DEFENDANT
23 ARE IDENTICAL, THE CASE WILL BE RESOLVED AT TRIAL.

24 (4) THE STATE COURT ADMINISTRATOR'S OFFICE SHALL CREATE AN
25 ELECTION FORM THAT INCLUDES THE 3 OPTIONS LISTED IN SUBSECTION
26 (1).

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 or 2950a is commenced, or before
5 the filing of an application for superintending control or for an
6 extraordinary writ, except the writ of habeas corpus, the party
7 bringing the action or filing the application shall pay the sum
8 of \$62.00. The clerk at the end of each month shall transmit for
9 each fee collected under this subdivision within the month,
10 \$18.75 to the executive secretary of the Michigan judges retire-
11 ment system created by the judges retirement act of 1992, Act
12 No. 234 of the Public Acts of 1992, being sections 38.2101 to
13 38.2608 of the Michigan Compiled Laws; \$5.00 to the secretary of
14 the Michigan legislative retirement system for deposit with the
15 state treasurer in the retirement fund created by the Michigan
16 legislative retirement system act, Act No. 261 of the Public Acts
17 of 1957, ~~as amended,~~ being sections 38.1001 to 38.1060 of the
18 Michigan Compiled Laws; \$5.25 to the state treasurer for deposit
19 in the general fund; \$2.00 to the state treasurer to be credited
20 to the community dispute resolution fund created by the community
21 dispute resolution act, Act No. 260 of the Public Acts of 1988,
22 being sections 691.1551 to 691.1564 of the Michigan Compiled
23 Laws; ~~\$11.00~~ AND THE BALANCE to the county treasurer. ~~and~~
24 ~~the balance of the filing fee to the state treasurer for deposit~~
25 ~~in the state court fund created by section 151a.~~ Beginning
26 October 1, 1994 and until October 1, 1995, the fee required under
27 this subdivision is \$72.00. Beginning October 1, 1995 and until

1 October 1, 1996, the fee required under this subdivision is
2 \$80.00. Beginning October 1, 1996 and until October 1, 1997, the
3 fee required under this subdivision is \$90.00. Beginning
4 October 1, 1997, the fee required under this subdivision is
5 \$100.00.

6 (b) Before the filing of a claim of appeal or motion for
7 leave to appeal from the district court, probate court, a municipi-
8 pal court, or an administrative tribunal or agency, the sum of
9 \$60.00. ~~For each fee collected under this subdivision, the~~
10 ~~clerk shall transmit \$15.00 to the state treasurer for deposit in~~
11 ~~the state court fund created by section 151a.~~ Beginning
12 October 1, 1994 and until October 1, 1995, the fee required under
13 this subdivision is \$70.00. Beginning October 1, 1995 and until
14 October 1, 1996, the fee required under this subdivision is
15 \$80.00. Beginning October 1, 1996 and until October 1, 1997, the
16 fee required under this subdivision is \$90.00. Beginning
17 October 1, 1997, the fee required under this subdivision is
18 \$100.00.

19 (c) If a trial by jury is demanded, the party making the
20 demand at the time shall pay the sum of \$60.00. Failure to pay
21 the fee within the time provided in the court rules constitutes a
22 waiver of the right to a jury trial. The sum shall be taxed in
23 favor of the party paying the fee, in case the party recovers a
24 judgment for costs.

25 (d) Before entry of a final judgment in an action for
26 divorce or separate maintenance in which minor children are
27 involved, or the entry of a final judgment in a child custody

1 dispute submitted to the circuit court as an original action, 1
2 of the following sums, which shall be deposited by the county
3 treasurer as provided in section 2530:

4 (i) If the matter was contested or uncontested and was not
5 submitted to domestic relations mediation or investigation by the
6 friend of the court, \$30.00.

7 (ii) If the matter was contested or uncontested and was sub-
8 mitted to domestic relations mediation, \$50.00.

9 (iii) If the matter was contested or uncontested and the
10 office of the friend of the court conducted an investigation and
11 made a recommendation to the court, \$70.00.

12 (e) Except as otherwise provided in this section, upon the
13 filing of a motion, the sum of \$20.00. ~~For each fee collected~~
14 ~~under this subdivision, the clerk shall transmit \$10.00 to the~~
15 ~~state treasurer for deposit in the state court fund created by~~
16 ~~section 151a.~~

17 (f) For services under the direction of the court that are
18 not specifically provided for in this section relative to the
19 receipt, safekeeping, or expending of money, or the purchasing,
20 taking, or transferring of a security, or the collecting of
21 interest on a security, the clerk shall receive the allowance and
22 compensation from the parties as the court may consider just and
23 shall direct by court order, after notice to the parties to be
24 charged.

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

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

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

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

11 (4) The court shall order any of the fees prescribed in this
12 section waived or suspended, in whole or in part, upon a showing
13 by affidavit of indigency or inability to pay.

14 (5) The clerk of the circuit court shall prepare and submit
15 a court filing fee report to the executive secretary of the
16 Michigan judges retirement system created by Act No. 234 of the
17 Public Acts of 1992 at the same time the clerk of the circuit
18 court transmits the portion of the fees collected under this sec-
19 tion to the executive secretary.

20 Sec. 2538. ~~-(+)~~ For services provided which are not reim-
21 bursable under the provisions of the federal social security act,
22 Title IV-D, every person required to make payments of support or
23 maintenance to be collected by the friend of the court shall pay
24 a fee of \$1.25 per month for every month or portion of a month
25 that support or maintenance is required to be paid. The fee
26 shall be paid monthly, quarterly, or semiannually as required by
27 the friend of the court. The friend of the court shall provide

1 notice to the person ordered to pay the support money of the fee
 2 required by this section and that the fee shall be paid monthly
 3 or as otherwise determined by the friend of the court. ~~Except~~
 4 ~~as provided in subsection (2), each~~ EACH fee collected shall be
 5 transmitted to the county treasurer ~~. Of each fee collected,~~
 6 ~~the county treasurer shall credit 25 cents to~~ FOR DEPOSIT IN the
 7 general fund of the county. ~~, and shall transmit the balance to~~
 8 ~~the state treasurer for deposit in the state court fund created~~
 9 ~~in section 151a.~~

10 ~~(2) In the third circuit court, each fee collected shall be~~
 11 ~~transmitted to the state treasurer. The state treasurer shall~~
 12 ~~deposit 25 cents in the general fund, and shall deposit the bal-~~
 13 ~~ance of each fee in the state court fund created in~~
 14 ~~section 151a.~~

15 Sec. 4304. The writ of habeas corpus to inquire into the
 16 cause of detention, or an order to show cause why the writ should
 17 not issue, may be issued by the following:

18 (1) The supreme court, or a justice thereof.

19 (2) The court of appeals, or a judge thereof.

20 (3) The circuit courts, or a judge thereof.

21 ~~(4) The municipal courts of record, including but not~~
 22 ~~limited to the recorder's court of the city of Detroit, common~~
 23 ~~pleas court, or a judge thereof.~~

24 (4) ~~(5)~~ The district courts, or a judge thereof.

25 Sec. 4803. (1) A person who fails to pay a penalty, fee, or
 26 costs in full within 56 days after that amount is due and owing
 27 is subject to a late penalty equal to 20% of the amount owed.

1 The court shall inform a person subject to a penalty, fee, or
2 costs that the late penalty will be applied to any amount that
3 continues to be unpaid 56 days after the amount is due and
4 owing. Penalties, fees, and costs are due and owing at the time
5 they are ordered unless the court directs otherwise. The court
6 shall order a specific date on which the penalties, fees, and
7 costs are due and owing. If the court authorizes delayed or
8 installment payments of a penalty, fee, or costs, the court shall
9 inform the person of the date on which, or time schedule under
10 which, the penalty, fee, or costs, or portion of the penalty,
11 fee, or costs, will be due and owing. A late penalty may be
12 waived by the court upon the request of the person subject to the
13 late penalty.

14 (2) Within 30 days after receiving a late penalty, the clerk
15 of the court shall transmit the amount received to the treasurer
16 or chief financial officer of the funding unit of the court, for
17 deposit in the general fund of the funding unit.

18 (3) As used in this section, "funding unit" means 1 of the
19 following as applicable:

20 (a) For a circuit other than the third circuit of the cir-
21 cuit court, each county in the circuit.

22 (b) For the third circuit of the circuit court, ~~and the~~
23 ~~recorder's court,~~ the state.

24 (c) For a district other than the thirty-sixth district of
25 the district court, the district control unit of the district, as
26 defined in section 8104.

1 (d) For the thirty-sixth district of the district court, the
2 state.

3 ~~(e) For a municipal court, the political unit where the~~
4 ~~municipal court is located.~~

5 (4) This section is repealed effective January 1, 1998.

6 Sec. 4903. ~~(1)~~ An action alleging medical malpractice
7 shall be mediated pursuant to this chapter.

8 ~~(2) The judge to whom an action alleging medical malprac-~~
9 ~~tice is assigned or the chief judge shall refer the action to~~
10 ~~mediation by written order not less than 90 days after the filing~~
11 ~~of the answer or answers.~~

12 ~~(3) An action referred to mediation pursuant to subsection~~
13 ~~(2) shall be heard by a mediation panel selected pursuant to sec-~~
14 ~~tion 4905.~~

15 Sec. 4915. (1) ~~Except as otherwise provided in subsection~~
16 ~~(2), within~~ WITHIN 14 days after the mediation hearing, the
17 panel shall make an evaluation and notify the attorney for each
18 party of its evaluation in writing. The evaluation shall include
19 a specific finding on the applicable standard of care. If an
20 award is not unanimous, the evaluation shall so indicate.

21 ~~(2) If the panel unanimously determines that a complete~~
22 ~~action or defense is frivolous as to any party, the panel shall~~
23 ~~so state as to that party. If the action proceeds to trial, the~~
24 ~~party who has been determined to have a frivolous action or~~
25 ~~defense shall post a cash or surety bond, approved by the court,~~
26 ~~in the amount of \$5,000.00 for each party against whom the action~~
27 ~~or defense was determined to be frivolous. If judgment is~~

~~1 entered against the party who posted the bond, the bond shall be
2 used to pay all reasonable costs incurred by the other parties
3 and any costs allowed by law or by court rule, including court
4 costs and reasonable attorney fees.~~

5 (2) ~~(3)~~ The evaluation shall include a separate award as
6 to each cross-claim, counterclaim, or third-party claim that has
7 been filed in the action. For the purpose of this subsection,
8 all such claims filed by any 1 party against any other party
9 shall be treated as a single claim.

10 Sec. 4919. ~~(1) If all the parties accept the mediation~~
11 ~~panel's evaluation,~~ A judgment shall be entered in ~~that~~ THE
12 amount ~~, which~~ OF THE MEDIATION PANEL'S EVALUATION. THE
13 JUDGMENT shall include all fees, costs, and interest to the date
14 of judgment.

15 ~~(2) In a case involving multiple parties, judgment shall be~~
16 ~~entered as to those opposing parties who have accepted the por-~~
17 ~~tions of the evaluation that apply to them.~~

18 ~~(3) Except as otherwise provided in this chapter for multi-~~
19 ~~ple parties, if all or part of the evaluation of the mediation~~
20 ~~panel is rejected, the action shall proceed to trial.~~

21 ~~(4) The mediation clerk shall place a copy of the mediation~~
22 ~~evaluation and the parties' acceptances and rejections in a~~
23 ~~sealed envelope for filing with the clerk of the court. In a~~
24 ~~nonjury action, the envelope shall not be opened and the parties~~
25 ~~shall not reveal the amount of the evaluation until the judge has~~
26 ~~rendered judgment.~~

6 SEC. 4970. (1) EXCEPT IN CASES OF DIVORCE AND MEDICAL MAL-
7 PRACTICE, EVERY CIVIL ACTION THAT IS MEDIATED PURSUANT TO
8 SECTION 1482 SHALL BE MEDIATED PURSUANT TO THIS CHAPTER.

11 SEC. 4971. MEDIATION CONDUCTED UNDER THIS CHAPTER IS BIND-
12 ING AS TO ALL PARTIES WHO HAVE CHOSEN TO PARTICIPATE IN MEDIATION
13 PURSUANT TO SECTION 1482.

16 (2) THE PROCEDURE FOR SELECTING MEDIATION PANEL MEMBERS AND
17 THEIR QUALIFICATIONS SHALL BE AS PRESCRIBED BY THE MICHIGAN COURT
18 RULES OR LOCAL COURT RULES.

22 (2) THE MEDIATION CLERK SHALL SET A TIME AND PLACE FOR THE
23 MEDIATION HEARING AND SEND NOTICE TO THE MEDIATORS AND THE ATTOR-
24 NEYS AT LEAST 28 DAYS BEFORE THE DATE SET FOR THE MEDIATION
25 HEARING.

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1 SEC. 4974. WITHIN 14 DAYS AFTER THE MAILING OF THE NOTICE
2 OF THE MEDIATION HEARING, EACH PARTY SHALL SUBMIT PAYMENT TO THE
3 MEDIATION CLERK OF A MEDIATION FEE OF \$75.00 IN THE MANNER SPECI-
4 FIED IN THE NOTICE OF THE MEDIATION HEARING. THE MEDIATION CLERK
5 SHALL ARRANGE PAYMENT TO THE MEDIATORS. THE FEE SHALL BE PAID AS
6 FOLLOWS:

7 (A) A SINGLE FEE IS REQUIRED OF EACH PARTY, EVEN IF THERE
8 ARE COUNTERCLAIMS, CROSS-CLAIMS, OR THIRD-PARTY CLAIMS.

9 (B) IF A CLAIM IS DERIVATIVE OF ANOTHER CLAIM, THE CLAIMS
10 SHALL BE TREATED AS A SINGLE CLAIM, WITH 1 FEE TO BE PAID AND A
11 SINGLE AWARD MADE BY THE MEDIATORS.

12 (C) IN THE CASE OF MULTIPLE INJURIES TO MEMBERS OF A SINGLE
13 FAMILY, THE PLAINTIFFS MAY ELECT TO TREAT THE ACTION AS 1 CLAIM,
14 WITH THE PAYMENT OF 1 FEE AND THE RENDERING OF 1 LUMP SUM AWARD.
15 IF THE PLAINTIFFS DO NOT ELECT TO TREAT THE ACTION AS 1 CLAIM, A
16 SEPARATE FEE SHALL BE PAID FOR EACH PLAINTIFF, AND THE MEDIATION
17 PANEL WILL THEN MAKE SEPARATE AWARDS FOR EACH CLAIM.

18 SEC. 4975. (1) AT LEAST 7 DAYS BEFORE THE MEDIATION HEARING
19 DATE, EACH PARTY SHALL SUBMIT TO THE MEDIATION CLERK 3 COPIES OF
20 THE DOCUMENTS PERTAINING TO THE ISSUES TO BE MEDIATED AND 3
21 COPIES OF A CONCISE BRIEF OR SUMMARY SETTING FORTH THAT PARTY'S
22 FACTUAL OR LEGAL POSITION ON ISSUES PRESENTED BY THE ACTION AND,
23 IN ADDITION, 1 COPY OF EACH SHALL BE SERVED ON EACH ATTORNEY OF
24 RECORD.

25 (2) FAILURE TO SUBMIT THE MATERIALS TO THE MEDIATION CLERK
26 AS PRESCRIBED IN THIS SUBSECTION SUBJECTS THE OFFENDING PARTY TO

1 A \$60.00 PENALTY TO BE PAID AT THE TIME OF THE MEDIATION HEARING
2 AND DISTRIBUTED EQUALLY AMONG THE MEDIATORS.

3 SEC. 4976. (1) A PARTY HAS THE RIGHT, BUT IS NOT REQUIRED,
4 TO ATTEND A MEDIATION HEARING. IF SCARS, DISFIGUREMENT, OR OTHER
5 UNUSUAL CONDITIONS EXIST, THEY MAY BE DEMONSTRATED TO THE MEDIA-
6 TION PANEL BY A PERSONAL APPEARANCE; HOWEVER, TESTIMONY SHALL NOT
7 BE TAKEN OR PERMITTED OF ANY PARTY.

8 (2) THE MICHIGAN RULES OF EVIDENCE DO NOT APPLY BEFORE THE
9 MEDIATION PANEL. FACTUAL INFORMATION HAVING A BEARING ON DAMAGES
10 OR LIABILITY SHALL BE SUPPORTED BY DOCUMENTARY EVIDENCE, IF
11 POSSIBLE.

12 (3) ORAL PRESENTATION SHALL BE LIMITED TO 15 MINUTES PER
13 SIDE UNLESS MULTIPLE PARTIES OR UNUSUAL CIRCUMSTANCES WARRANT
14 ADDITIONAL TIME. THE MEDIATION PANEL MAY REQUEST INFORMATION ON
15 APPLICABLE INSURANCE POLICY LIMITS AND MAY INQUIRE ABOUT SETTLE-
16 MENT NEGOTIATIONS, UNLESS A PARTY OBJECTS.

17 (4) STATEMENTS BY THE ATTORNEYS WITH REGARD TO MEDIATION
18 UNDER THIS CHAPTER AND THE BRIEFS OR SUMMARIES PRESENTED ARE NOT
19 ADMISSIBLE IN ANY COURT OR EVIDENTIARY PROCEEDING.

20 SEC. 4977. (1) WITHIN 14 DAYS AFTER THE MEDIATION HEARING,
21 THE PANEL SHALL MAKE AN EVALUATION AND NOTIFY THE ATTORNEY FOR
22 EACH PARTY OF ITS EVALUATION IN WRITING. THE EVALUATION SHALL
23 INDICATE IF AN AWARD IS NOT UNANIMOUS.

24 (2) THE EVALUATION SHALL INCLUDE A SEPARATE AWARD AS TO EACH
25 CROSS-CLAIM, COUNTERCLAIM, OR THIRD-PARTY CLAIM THAT HAS BEEN
26 FILED IN THE ACTION. FOR THE PURPOSE OF THIS SUBSECTION, ALL

1 SUCH CLAIMS FILED BY ANY 1 PARTY AGAINST ANY OTHER PARTY SHALL BE
2 TREATED AS A SINGLE CLAIM.

3 SEC. 4978. A JUDGMENT SHALL BE ENTERED IN THE AMOUNT OF THE
4 MEDIATION PANEL'S EVALUATION, AND IT SHALL INCLUDE ALL FEES,
5 COSTS, AND INTEREST TO THE DATE OF JUDGMENT.

6 SEC. 4979. (1) THE EVALUATION OF THE MEDIATION PANEL SHALL
7 BE REVIEWABLE BY THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE
8 DISPUTE AROSE ONLY FOR THE FOLLOWING REASONS:

9 (A) THE MEDIATION PANEL WAS WITHOUT OR EXCEEDED ITS
10 JURISDICTION.

11 (B) THE EVALUATION WAS NOT SUPPORTED BY COMPETENT, MATERIAL,
12 AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD.

13 (C) THE EVALUATION WAS PROCURED BY FRAUD, COLLUSION, OR
14 OTHER SIMILAR AND UNLAWFUL MEANS.

15 (2) THE PENDENCY OF A PROCEEDING FOR REVIEW SHALL NOT AUTO-
16 Matically STAY THE ORDER OF JUDGMENT ENTERED IN THE AMOUNT OF THE
17 MEDIATION PANEL'S EVALUATION.

18 CHAPTER 49C.

19 SEC. 4980. EXCEPT IN CASES OF DIVORCE AND MEDICAL MALPRAC-
20 TICE, EVERY CIVIL ACTION THAT IS ARBITRATED PURSUANT TO
21 SECTION 1482 SHALL BE ARBITRATED PURSUANT TO THIS CHAPTER.

22 SEC. 4981. ARBITRATION CONDUCTED UNDER THIS CHAPTER IS
23 BINDING AS TO ALL PARTIES WHO HAVE CHOSEN TO PARTICIPATE IN ARBI-
24 TRATION PURSUANT TO SECTION 1482.

25 SEC. 4982. (1) ARBITRATION PANELS SHALL BE COMPOSED OF 3
26 MEMBERS WHO ARE NOT ATTORNEYS.

1 (2) THE PROCEDURE FOR SELECTING ARBITRATION PANEL MEMBERS
2 AND THEIR QUALIFICATIONS SHALL BE AS PRESCRIBED BY THE MICHIGAN
3 COURT RULES OR LOCAL COURT RULES.

4 SEC. 4983. (1) THE COURT SHALL DESIGNATE THE CLERK OF THE
5 COURT, THE COURT ADMINISTRATOR, THE ASSIGNMENT CLERK, OR SOME
6 OTHER PERSON TO SERVE AS THE ARBITRATION CLERK.

7 (2) THE ARBITRATION CLERK SHALL SET A TIME AND PLACE FOR THE
8 MEDIATION HEARING AND SEND NOTICE TO THE ARBITRATORS AND THE
9 ATTORNEYS AT LEAST 28 DAYS BEFORE THE DATE SET FOR THE ARBITRA-
10 TION HEARING.

11 (3) ADJOURNMENTS OF ARBITRATION HEARINGS MAY BE GRANTED ONLY
12 FOR GOOD CAUSE, IN ACCORDANCE WITH THE MICHIGAN COURT RULES.

13 SEC. 4984. WITHIN 14 DAYS AFTER THE MAILING OF THE NOTICE
14 OF THE ARBITRATION HEARING, EACH PARTY SHALL SUBMIT PAYMENT TO
15 THE ARBITRATION CLERK OF AN ARBITRATION FEE OF \$75.00 IN THE
16 MANNER SPECIFIED IN THE NOTICE OF THE ARBITRATION HEARING. THE
17 ARBITRATION CLERK SHALL ARRANGE PAYMENT TO THE ARBITRATORS. THE
18 FEE SHALL BE PAID AS FOLLOWS:

19 (A) A SINGLE FEE IS REQUIRED OF EACH PARTY, EVEN IF THERE
20 ARE COUNTERCLAIMS, CROSS-CLAIMS, OR THIRD-PARTY CLAIMS.

21 (B) IF A CLAIM IS DERIVATIVE OF ANOTHER CLAIM, THE CLAIMS
22 SHALL BE TREATED AS A SINGLE CLAIM, WITH 1 FEE TO BE PAID AND A
23 SINGLE AWARD MADE BY THE ARBITRATORS.

24 (C) IN THE CASE OF MULTIPLE INJURIES TO MEMBERS OF A SINGLE
25 FAMILY, THE PLAINTIFFS MAY ELECT TO TREAT THE ACTION AS 1 CLAIM,
26 WITH THE PAYMENT OF 1 FEE AND THE RENDERING OF 1 LUMP SUM AWARD.
27 IF THE PLAINTIFFS DO NOT ELECT TO TREAT THE ACTION AS 1 CLAIM, A

1 SEPARATE FEE SHALL BE PAID FOR EACH PLAINTIFF, AND THE
2 ARBITRATION PANEL WILL THEN MAKE SEPARATE AWARDS FOR EACH CLAIM.

3 SEC. 4985. (1) AT LEAST 7 DAYS BEFORE THE ARBITRATION HEAR-
4 ING DATE, EACH PARTY SHALL SUBMIT TO THE ARBITRATION CLERK 3
5 COPIES OF THE DOCUMENTS PERTAINING TO THE ISSUES TO BE ARBITRATED
6 AND 3 COPIES OF A CONCISE BRIEF OR SUMMARY SETTING FORTH THAT
7 PARTY'S FACTUAL OR LEGAL POSITION ON ISSUES PRESENTED BY THE
8 ACTION AND, IN ADDITION, 1 COPY OF EACH SHALL BE SERVED ON EACH
9 ATTORNEY OF RECORD.

10 (2) FAILURE TO SUBMIT THE MATERIALS TO THE ARBITRATION CLERK
11 AS PRESCRIBED IN THIS SUBSECTION SUBJECTS THE OFFENDING PARTY TO
12 A \$60.00 PENALTY TO BE PAID AT THE TIME OF THE ARBITRATION HEAR-
13 ING AND DISTRIBUTED EQUALLY AMONG THE ARBITRATORS.

14 SEC. 4986. (1) A PARTY HAS THE RIGHT, BUT IS NOT REQUIRED,
15 TO ATTEND AN ARBITRATION HEARING. IF SCARS, DISFIGUREMENT, OR
16 OTHER UNUSUAL CONDITIONS EXIST, THEY MAY BE DEMONSTRATED TO THE
17 ARBITRATION PANEL BY A PERSONAL APPEARANCE; HOWEVER, TESTIMONY
18 SHALL NOT BE TAKEN OR PERMITTED OF ANY PARTY.

19 (2) THE MICHIGAN RULES OF EVIDENCE DO NOT APPLY BEFORE THE
20 ARBITRATION PANEL. FACTUAL INFORMATION HAVING A BEARING ON DAM-
21 AGES OR LIABILITY SHALL BE SUPPORTED BY DOCUMENTARY EVIDENCE, IF
22 POSSIBLE.

23 (3) ORAL PRESENTATION SHALL BE LIMITED TO 15 MINUTES PER
24 SIDE UNLESS MULTIPLE PARTIES OR UNUSUAL CIRCUMSTANCES WARRANT
25 ADDITIONAL TIME. THE ARBITRATION PANEL MAY REQUEST INFORMATION
26 ON APPLICABLE INSURANCE POLICY LIMITS AND MAY INQUIRE ABOUT
27 SETTLEMENT NEGOTIATIONS, UNLESS A PARTY OBJECTS.

1 (4) STATEMENTS BY THE ATTORNEYS WITH REGARD TO MEDIATION
2 UNDER THIS CHAPTER AND THE BRIEFS OR SUMMARIES PRESENTED ARE NOT
3 ADMISSIBLE IN ANY COURT OR EVIDENTIARY PROCEEDING.

4 SEC. 4987. (1) WITHIN 14 DAYS AFTER THE ARBITRATION HEAR-
5 ING, THE PANEL SHALL MAKE AN EVALUATION AND NOTIFY THE ATTORNEY
6 FOR EACH PARTY OF ITS EVALUATION IN WRITING. THE EVALUATION
7 SHALL INDICATE IF AN AWARD IS NOT UNANIMOUS.

8 (2) THE EVALUATION SHALL INCLUDE A SEPARATE AWARD AS TO EACH
9 CROSS-CLAIM, COUNTERCLAIM, OR THIRD-PARTY CLAIM THAT HAS BEEN
10 FILED IN THE ACTION. FOR THE PURPOSE OF THIS SUBSECTION, ALL
11 SUCH CLAIMS FILED BY ANY 1 PARTY AGAINST ANY OTHER PARTY SHALL BE
12 TREATED AS A SINGLE CLAIM.

13 SEC. 4988. A JUDGMENT SHALL BE ENTERED IN THE AMOUNT OF THE
14 ARBITRATION PANEL'S EVALUATION, AND IT SHALL INCLUDE ALL FEES,
15 COSTS, AND INTEREST TO THE DATE OF JUDGMENT.

16 SEC. 4989. (1) THE EVALUATION OF THE ARBITRATION PANEL
17 SHALL BE REVIEWABLE BY THE CIRCUIT COURT FOR THE COUNTY IN WHICH
18 THE DISPUTE AROSE ONLY FOR THE FOLLOWING REASONS:

19 (A) THE ARBITRATION PANEL WAS WITHOUT OR EXCEEDED ITS
20 JURISDICTION.

21 (B) THE EVALUATION WAS NOT SUPPORTED BY COMPETENT, MATERIAL,
22 AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD.

23 (C) THE EVALUATION WAS PROCURED BY FRAUD, COLLUSION, OR
24 OTHER SIMILAR AND UNLAWFUL MEANS.

25 (2) THE PENDENCY OF A PROCEEDING FOR REVIEW SHALL NOT AUTO-
26 Matically STAY THE ORDER OF JUDGMENT ENTERED IN THE AMOUNT OF THE
27 ARBITRATION PANEL'S EVALUATION.

1 Sec. 5756. (1) If the complaint is for the recovery of
2 possession of premises only, the fee for filing a proceeding
3 under this chapter is \$32.00.

4 (2) If a claim for a money judgment is joined with a claim
5 for the recovery of possession of premises, the plaintiff shall
6 pay a supplemental filing fee in the same amount as established
7 by law for the filing of a claim for a money judgment in the same
8 court.

9 (3) Of each filing fee collected under this section, at the
10 end of each month, the clerk of the district court shall transmit
11 \$2.00 to the state treasurer to be credited to the community dis-
12 pute resolution fund created by the community dispute resolution
13 act, Act No. 260 of the Public Acts of 1988, being
14 sections 691.1551 to 691.1564 of the Michigan Compiled Laws;
15 \$9.00 to the executive secretary of the Michigan judges retire-
16 ment system created by the judges retirement act of 1992, Act
17 No. 234 of the Public Acts of 1992, being sections 38.2101 to
18 38.2608 of the Michigan Compiled Laws; ~~-\$11.00-~~ AND THE BALANCE
19 to the treasurer of the district control unit in which the action
20 was commenced. ~~-, and the balance to the state treasurer for~~
21 ~~deposit in the state court fund created by section 151a.~~

22 (4) At the end of each month, the clerk of the district
23 court shall transmit each supplemental filing fee collected under
24 this section in the same manner as a fee under section 8371 for
25 the filing of a claim for money judgment for the same amount is
26 transmitted.

1 (5) The clerk of the district court shall prepare and submit
2 a court filing fee report to the executive secretary of the
3 Michigan judges retirement system created by Act No. 234 of the
4 Public Acts of 1992, at the same time the clerk of the district
5 court transmits the portion of the fees collected under this sec-
6 tion to the executive secretary.

7 Sec. 8122. (1) The thirty-seventh district consists of the
8 cities of Warren and Center Line, is a district of the third
9 class, and has 4 judges.

10 (2) The thirty-eighth district consists of the city of ~~East~~
11 ~~Detroit~~ EASTPOINTE, is a district of the third class, and has 1
12 judge.

13 (3) The thirty-ninth district consists of the cities of
14 Roseville and Fraser, is a district of the third class, and has
15 ~~2~~ 3 judges. ~~Subject to section 8175, this district may have 1~~
16 ~~additional judge effective January 1, 1989. If a new office of~~
17 ~~judge is added to this district to be filled by election in 1988,~~
18 ~~the term of office of the judge for that election only shall be 4~~
19 ~~years.~~

20 (4) The fortieth district consists of the city of Saint
21 Clair Shores, is a district of the third class, and has 2
22 judges.

23 (5) The forty-first-a district consists of the cities of
24 Utica and Sterling Heights and the townships of Shelby and Macomb
25 in the county of Macomb, is a district of the third class, and
26 has 4 judges.

1 (6) The forty-first-b district consists of the city of Mt.
 2 Clemens and the townships of Clinton and Harrison in the county
 3 of Macomb, is a district of the third class, and has ~~-2-~~ 3
 4 judges. ~~Subject to section 8175, this district may have 1 addi-~~
 5 ~~tional judge effective January 1, 1989. If a new office of judge~~
 6 ~~is added to this district to be filled by election in 1988, the~~
 7 ~~term of office of the judge for that election only shall be 4~~
 8 ~~years.~~

9 (7) The forty-second district consists of the cities of
 10 Memphis, Richmond, and New Baltimore and the townships of Bruce,
 11 Washington, Armada, Ray, Richmond, Lenox, and Chesterfield in the
 12 county of Macomb, is a district of the second class, and is
 13 divided into the following election divisions:

14 (a) The first division consists of the cities of Memphis and
 15 Richmond and the townships of Bruce, Washington, Armada, Ray, and
 16 Richmond and has 1 judge.

17 (b) The second division consists of the city of New
 18 Baltimore and the townships of Lenox and Chesterfield and has 1
 19 judge.

20 Sec. 8202. (1) A district judge shall receive an annual
 21 salary payable by this state ~~equal to 90% of the annual salary~~
 22 ~~payable by this state to a circuit judge~~ IN AN AMOUNT PROVIDED
 23 BY LAW.

24 ~~(2) In addition to the salary received from this state, a~~
 25 ~~district judge may receive from a district control unit in which~~
 26 ~~the judge regularly holds court an additional salary as~~
 27 ~~determined by the governing legislative body of the district~~

~~1 control unit. Supplemental salaries paid by a district control~~
~~2 unit shall be uniform as to all judges who regularly hold court~~
~~3 in the district control unit. In the thirty sixth district each~~
~~4 district judge shall receive an additional salary that, when~~
~~5 added to the annual salary paid by the state under subsection~~
~~6 (1), equals 88% of the annual salary of a justice of the supreme~~
~~7 court. The total annual additional salary paid to a district~~
~~8 court judge by the district control units in which the judge reg-~~
~~9 ularly holds court shall not cause the district judge's total~~
~~10 annual salary received from state and district control unit funds~~
~~11 to exceed 88% of the annual salary of a justice of the supreme~~
~~12 court. However, an increase in the amount of salary payable to a~~
~~13 judge of the district court caused by an increase in the salary~~
~~14 of a justice of the supreme court resulting from the operation of~~
~~15 Act No. 357 of the Public Acts of 1968, as amended, being~~
~~16 sections 15.211 to 15.218 of the Michigan Compiled Laws, after~~
~~17 September 1, 1981, shall not be effective until February 1 of the~~
~~18 year in which the increase in the salary of a justice of the~~
~~19 supreme court becomes effective. If an increase in salary~~
~~20 comes effective on February 1 of a year in which an increase in~~
~~21 the salary of a justice of the supreme court becomes effective,~~
~~22 the increase shall be retroactive to January 1 of that year.~~
~~23 (3) A district judge who holds court in a county other than~~
~~24 the county of the judge's residence shall be reimbursed for his~~
~~25 or her actual and necessary expenses incurred in holding court~~
~~26 upon certification and approval by the court administrator. Upon~~
~~27 certification of the judge's expenses, the sum shall be paid out~~

1 ~~of the state treasury pursuant to the accounting laws of this~~
2 ~~state.~~

3 ~~(4) Salaries of a district court judge may be increased but~~
4 ~~shall not be decreased during a term of office except and only to~~
5 ~~the extent of a general salary reduction in all other branches of~~
6 ~~government.~~

7 ~~(5) Except as provided in subsection (6), the supreme court,~~
8 ~~by rule, may establish civil and criminal trial divisions within~~
9 ~~the district court. The rules shall provide for the rotation of~~
10 ~~judges among the trial divisions.~~

11 ~~(6) The judges of the district court for the thirty sixth~~
12 ~~district shall establish functional divisions of the court that~~
13 ~~are necessary for the effective administration of justice within~~
14 ~~the district. As ordered by the chief judge of the district,~~
15 ~~judges of that district shall be rotated among the functional~~
16 ~~divisions of the court established pursuant to this subsection.~~

17 (2) ~~-(7)-~~ A judge of the district court is eligible to be a
18 member of the Michigan judges retirement system created by the
19 judges retirement act of 1992.

20 (3) ~~-(8)-~~ The district court in a district may hold evening
21 and Saturday sessions.

22 ~~-(9) Except as provided in subsection (10), this state shall~~
23 ~~reimburse to a district control unit paying an additional salary~~
24 ~~to a district judge a portion of that additional salary in an~~
25 ~~amount provided by law, unless the additional salary, including~~
26 ~~any cost of living allowance, payable by that district control~~
27 ~~unit causes the total annual salary of a district judge to exceed~~

1 ~~the applicable percentage of the salary of a justice of the~~
2 ~~supreme court.~~

3 ~~(10) Notwithstanding the limitations of subsection (9), the~~
4 ~~state shall reimburse a district control unit pursuant to subsec-~~
5 ~~tion (9), even if the additional salary, including any~~
6 ~~cost of living allowance, payable by that district control unit~~
7 ~~on September 1, 1981 causes the total annual salary of a district~~
8 ~~judge to exceed the applicable percentage of the salary of a jus-~~
9 ~~tice of the supreme court payable on September 1, 1981. However,~~
10 ~~if the additional salary of a district judge increases beyond the~~
11 ~~amount payable to the judge on September 1, 1981, and if the~~
12 ~~total annual salary of the judge exceeds the applicable percen-~~
13 ~~tage of the salary of a justice of the supreme court, the dis-~~
14 ~~trict control unit shall return to the state any amount paid~~
15 ~~under subsection (9) during that state fiscal year, and shall be~~
16 ~~ineligible to receive reimbursement under subsection (9) until~~
17 ~~the total annual salary of the district judge does not exceed the~~
18 ~~applicable percentage of the salary of the justice of the supreme~~
19 ~~court.~~

20 Sec. 8271. (1) Except as otherwise provided, the judges of
21 the district court shall appoint the employees ~~thereof~~ OF THE
22 DISTRICT COURT and fix their compensation within appropriations
23 provided by the governing body of each district control unit.

24 (2) ~~Compensation~~ THE EMPLOYEES APPOINTED UNDER SUBSECTION
25 (1) ARE EMPLOYEES OF THE GOVERNING BODIES OF THE DISTRICT CONTROL
26 UNIT, AND THE COMPENSATION of THOSE employees ~~of the district~~

1 ~~court~~ shall be paid by each district control unit, except as
2 otherwise provided in this act.

3 (3) District court employees when performing services in the
4 courtroom are subject to control of the judge holding court
5 therein.

6 (4) ~~Except as provided in section 8273, full-time~~
7 FULL-TIME employees of abolished municipal courts in districts of
8 the third class are transferred to the district court for the
9 city in which they were previously employed and all other
10 full-time employees of abolished courts shall have preferential
11 employment rights in the district court.

12 (5) ~~Except as provided in section 8273, seniority~~
13 SENIORITY rights, annual leave, sick leave, and longevity pay and
14 retirement benefits to which employees of abolished courts are
15 now entitled shall be preserved and continued in their positions
16 in the district court in a manner not inferior to their prior
17 status.

18 (6) ~~Except as provided in section 8275, the~~ THE obliga-
19 tions of municipalities or other agencies of government for
20 retirement benefits to employees and personnel of abolished
21 courts for their accrued service in such courts shall not be
22 transferred from their present system. Any retirement system
23 available to district court personnel shall provide retirement
24 benefits to employees of abolished courts not inferior to those
25 provided therefor under their prior status.

26 Sec. 8281. (1) In each county within a district of the
27 first class, in each district of the second class, and in each

1 political subdivision where the court sits within a district of
2 the third class, the district judge or judges of the district
3 shall appoint a clerk of the court. In districts of the first
4 class the judge or judges may appoint the county clerk to act as
5 clerk of the court.

6 (2) The clerk of the court shall appoint deputy clerks of
7 the court subject to the approval of the judges.

8 (3) The clerk of the court, including a county clerk to the
9 extent he or she is serving as clerk of the court, shall serve at
10 the pleasure of the district judge or judges of the district.

11 ~~(4) In the thirty-sixth district the chief judge of the~~
12 ~~district shall appoint the clerk of the court and deputy clerks~~
13 ~~pursuant to sections 8272, 8273, and 9104.~~

14 Sec. 8301. (1) The district court ~~shall have exclusive~~
15 HAS jurisdiction CONCURRENTLY WITH THE CIRCUIT COURT in civil
16 actions ~~when~~ REGARDLESS OF the amount in controversy. ~~does not~~
17 ~~exceed \$10,000.00.~~

18 (2) The district court ~~shall have~~ HAS jurisdiction over
19 civil infraction actions.

20 (3) THE DISTRICT COURT HAS JURISDICTION CONCURRENTLY WITH
21 THE CIRCUIT COURT IN CASES OF FORECLOSURE ON REAL ESTATE AND LAND
22 CONTRACTS, AS PROVIDED IN CHAPTER 31.

23 Sec. 8314. In each district of the district court, ~~other~~
24 ~~than the thirty-sixth district,~~ the judge or judges of the dis-
25 trict may establish a probation department within a district con-
26 trol unit. The ~~thirty-sixth district shall have a probation~~
27 ~~department. Except as provided in section 8272, the necessary~~

1 and reasonable expense of a probation department shall be borne
2 by the district control unit.

3 Sec. 8322. (1) A person serving as a bailiff of the common
4 pleas court of Detroit on August 31, 1981, pursuant to an
5 appointment under section 23 of former Act No. 260 of the Public
6 Acts of 1929, shall become a bailiff of the district court in the
7 thirty-sixth district on September 1, 1981. A bailiff shall be
8 considered a court officer under section 8321(1) for the exclu-
9 sive purpose of serving civil process in a civil action commenced
10 in the district court in the thirty-sixth district, except for
11 process issued in a summary proceeding under chapter 57. All
12 process issued by the district court in civil actions shall be
13 rotated among the bailiffs pursuant to rules adopted by the
14 court. A bailiff shall file with the clerk of the court a surety
15 bond in the amount of \$100,000.00 with a surety company. The
16 premium on the surety bond shall be paid by the district control
17 unit. A bailiff shall possess only the powers necessary to serve
18 process issued by the court. A bailiff governed pursuant to this
19 subsection may bear arms while in office and in the exercise of
20 his or her duties as bailiff. A bailiff shall hold office until
21 death, retirement, resignation, or removal from office by the
22 court for misfeasance or malfeasance in office. A vacancy in the
23 office of bailiff as established pursuant to this subsection
24 shall not be filled.

25 (2) A person serving as a bailiff of the common pleas court
26 on August 31, 1981, pursuant to an appointment under section 31
27 of former Act No. 260 of the Public Acts of 1929, shall become a

1 bailiff of the district court in the thirty-sixth district on
2 September 1, 1981. A bailiff shall be considered a court officer
3 under section 8321(1) for the exclusive purpose of serving civil
4 process in summary proceedings commenced under chapter 57 in the
5 district court in the thirty-sixth district. All process issued
6 by the district court in summary proceedings shall be rotated
7 among the bailiffs pursuant to rules adopted by the court, except
8 that a writ of restitution shall be issued to the bailiff to whom
9 the summons was issued in the particular proceeding. A bailiff
10 shall file with the clerk of the court a surety bond in an amount
11 of \$100,000.00 with a surety company. The premium on the surety
12 bond shall be paid by the district control unit. A bailiff gov-
13 erned pursuant to this subsection shall be considered a peace
14 officer only for the purpose of receiving compensation provided
15 by Act No. 329 of the Public Acts of 1937, ~~as amended,~~ being
16 sections 419.101 to 419.104 of the Michigan Compiled Laws. A
17 bailiff shall hold office until death, retirement, resignation,
18 or removal from office by the court for misfeasance or malfea-
19 sance in office. A vacancy in the office of bailiff established
20 pursuant to this subsection shall not be filled.

21 (3) A bailiff governed pursuant to this section shall keep a
22 written record of the date, amount, and nature of each financial
23 transaction conducted by the bailiff in the course of his or her
24 service as bailiff. An audit of each bailiff's financial trans-
25 actions shall be conducted annually by the district control unit
26 and reported immediately to the judges of the district. If the
27 audit prescribed by this subsection is not conducted by the

1 district control unit before June 30 of any year, the judges of
2 the court shall contract with a certified public accountant to
3 perform the audit. If a certified public accountant is required
4 to perform the audit, the cost of the audit shall be paid by the
5 district control unit.

6 (4) Upon the existence of a vacancy in the office of bailiff
7 established under this section, the chief judge of the district
8 may appoint a court officer pursuant to section 8321(1).

9 (5) ~~A court officer appointed pursuant to subsection (4) to~~
10 ~~serve civil process in the thirty sixth district shall be an~~
11 ~~employee of the state judicial council. The compensation of a~~
12 ~~court officer shall be paid by the state and shall be fixed as~~
13 ~~provided in sections 592 and 9104. Fees prescribed in section~~
14 ~~8326, except mileage, shall be payable to the district control~~
15 ~~unit and shall not be payable to a court officer appointed under~~
16 ~~this subsection. A court officer shall be entitled to mileage~~
17 ~~pursuant to section 8326.~~

18 (6) A bailiff serving civil process pursuant to subsection
19 (1) or (2) shall be compensated by salary and the fees and mile-
20 age prescribed in section 8326. ~~A full time bailiff, as defined~~
21 ~~by the state judicial council, shall receive from the state a~~
22 ~~\$20,000.00 annual salary. For each part time bailiff, as defined~~
23 ~~by the state judicial council, the council shall establish a~~
24 ~~salary which is a pro rata portion of \$20,000.00 based on that~~
25 ~~portion of a full time bailiff's workload to be assigned to the~~
26 ~~bailiff. A bailiff covered by this subsection shall not be~~

1 ~~entitled to any compensation from the state other than that~~
2 ~~specifically authorized in this subsection.~~

3 (7) A bailiff serving civil process pursuant to subsection
4 (1) or (2) shall not become a member of the state employees'
5 retirement system created by Act No. 240 of the Public Acts of
6 1943, ~~as amended,~~ being sections 38.1 to 38.47 of the Michigan
7 Compiled Laws. Beginning September 1, 1981, UNTIL THE EFFECTIVE
8 DATE OF THE 1996 AMENDATORY ACT THAT AMENDED THIS SECTION, the
9 state shall contribute to the retirement system in which the bai-
10 liff is a member on August 31, 1981, an amount equal to the
11 amount which the state would have contributed to the state
12 employees' retirement system pursuant to Act No. 240 of the
13 Public Acts of 1943, ~~as amended,~~ if the bailiff had become a
14 member of the state employees' retirement system, based on the
15 salary paid by the state pursuant to subsection (6). Beginning
16 September 1, 1981, each bailiff shall continue to contribute to
17 the retirement system in which the bailiff is a member on August
18 31, 1981, as required by ordinance, based on salary and fees
19 received pursuant to subsection (6), except mileage.

20 (8) From each filing fee collected under section 8371, the
21 clerk of the court shall pay to the Wayne county retirement
22 system the sum of \$1.00, to be credited to the retirement fund of
23 the bailiffs of the district court in the thirty-sixth district
24 serving civil process pursuant to subsection (1). The county of
25 Wayne shall annually review the retirement fund and shall ensure
26 that the fund is maintained in an actuarially sound condition.
27 ~~Copies of the actuarial reports shall be provided to the joint~~

~~1 legislative committee created under section 9946 and to the state~~
~~2 judicial council created in chapter 91.~~

3 (9) From each filing fee collected for filing a summary pro-
4 ceeding under section 5756, the clerk of the court shall pay to
5 the Wayne county retirement system the sum of \$1.00 for each
6 defendant served in the proceeding, to be credited to the retire-
7 ment fund of the bailiffs of the district court in the
8 thirty-sixth district serving civil process pursuant to subsec-
9 tion (2). However, the amount credited to the retirement fund
10 under this subsection shall not exceed 1/2 of the fee collected
11 in a proceeding. The county of Wayne shall annually review the
12 retirement fund and shall ensure that the fund is maintained in
13 an actuarially sound condition. ~~Copies of the actuarial reports~~
~~14 shall be provided to the joint legislative committee created~~
~~15 under section 9946 and to the state judicial council created in~~
~~16 chapter 91.~~

17 Sec. 8342. (1) Except as provided in subsection (2),
18 appeals from the district court shall be to the circuit court for
19 the county in which the judgment is rendered.

20 (2) All appeals in misdemeanor or ordinance violation cases
21 tried in the district court in the thirty-sixth district, or in a
22 felony case over which the district court in the thirty-sixth
23 district has jurisdiction before trial, shall be to the
24 ~~recorder's court of the city of Detroit~~ CIRCUIT COURT IN THE
25 THIRD CIRCUIT. As used in this subsection, "ordinance violation"
26 means that term as defined in section 1 of chapter I of Act

1 No. 175 of the Public Acts of 1927, ~~as amended,~~ being section
2 761.1 of the Michigan Compiled Laws.

3 (3) Except as provided in subsections (4) and (5), all
4 appeals from final judgments shall be as of right and all other
5 appeals shall be by application.

6 (4) All appeals to the court of appeals from judgments
7 entered by the circuit court or the FORMER recorder's court on
8 appeals from the district court shall be by application.

9 (5) All appeals from final orders and judgments based upon
10 pleas of guilty or nolo contendere shall be by application.

11 Sec. 8371. (1) In the district court, the fees prescribed
12 in this section shall be paid to the clerk of the court.

13 (2) Before a civil action is commenced in the district
14 court, the party commencing the action shall pay to the clerk the
15 sum of \$52.00 if the amount in controversy exceeds \$1,750.00.
16 For each fee collected under this subsection, the clerk shall
17 transmit \$2.00 to the state treasurer to be credited to the com-
18 munity dispute resolution fund created by the community dispute
19 resolution act, Act No. 260 of the Public Acts of 1988, being
20 sections 691.1551 to 691.1564 of the Michigan Compiled Laws;
21 \$13.50 to the executive secretary of the judges retirement
22 system; ~~\$16.50~~ AND THE BALANCE to the treasurer of the district
23 control unit in which the action was commenced. ~~, and shall~~
24 ~~transmit the balance to the state treasurer for deposit in the~~
25 ~~state court fund created by section 151a.~~

26 (3) Before a civil action is commenced in the district
27 court, the party commencing the action shall pay to the clerk the

1 sum of \$32.00 if the amount in controversy exceeds \$600.00 but
2 does not exceed \$1,750.00. For each fee collected under this
3 subsection, the clerk shall transmit \$2.00 to the state treasurer
4 to be credited to the community dispute resolution fund created
5 by the community dispute resolution act, Act No. 260 of the
6 Public Acts of 1988, being sections 691.1551 to 691.1564 of the
7 Michigan Compiled Laws; \$9.00 to the executive secretary of the
8 judges retirement system; ~~-\$11.00~~ AND THE BALANCE to the trea-
9 surer of the district control unit in which the action was
10 commenced. ~~-, and shall transmit the balance to the state trea-~~
11 ~~surer for deposit in the state court fund created by~~
12 ~~section 151a.~~

13 (4) Before a civil action is commenced in the district
14 court, the party commencing the action shall pay to the clerk the
15 sum of \$17.00 if the amount in controversy does not exceed
16 \$600.00. For each fee collected under this subsection, the clerk
17 shall transmit \$2.00 to the state treasurer to be credited to the
18 community dispute resolution fund created by the community dis-
19 pute resolution act, Act No. 260 of the Public Acts of 1988,
20 being sections 691.1551 to 691.1564 of the Michigan Compiled
21 Laws; \$4.50 to the executive secretary of the judges retirement
22 system; ~~-\$5.50~~ AND THE BALANCE to the treasurer of the district
23 control unit in which the action was commenced. ~~-, and shall~~
24 ~~transmit the balance to the state treasurer for deposit in the~~
25 ~~state court fund created by section 151a.~~

1 (5) The judge shall order payment of any statutory fees
2 waived or suspended, in whole or in part, upon a showing by
3 affidavit of indigency or inability to pay.

4 (6) Neither this state nor a political subdivision of this
5 state shall be required to pay a filing fee in a civil infraction
6 action.

7 (7) Except for civil actions filed for relief under chapter
8 43, 57, or 84, if a civil action is filed for relief other than
9 money damages, the filing fee shall be equal to the filing fee in
10 actions for money damages in excess of \$1,750.00 as provided in
11 subsection (2), and shall be transmitted in the same manner as a
12 fee under subsection (2) is transmitted.

13 (8) If a trial by jury is demanded, the party making the
14 demand at the time shall pay the sum of \$40.00. Failure to pay
15 the fee within the time provided in the court rules constitutes a
16 waiver of the right to a jury trial. The sum shall be taxed in
17 favor of the party paying the fee, in case the party recovers a
18 judgment for costs.

19 (9) The clerk of the district court shall prepare and submit
20 a court filing fee report to the executive secretary of the
21 Michigan judges retirement system created by Act No. 234 of the
22 Public Acts of 1992 at the same time the clerk of the district
23 court transmits the portion of the fees collected under this sec-
24 tion to the executive secretary.

25 Sec. 8381. (1) When fines and costs are assessed by a mag-
26 istrate, a traffic bureau, or a judge of the district court, not
27 less than \$9.00 shall be assessed as costs and collected for each

1 conviction or civil infraction determination and each guilty plea
2 or civil infraction admission except for parking violations.
3 Except as otherwise provided in this section, of the costs
4 assessed and collected, for each conviction or civil infraction
5 determination and each guilty plea or civil infraction admission,
6 \$9.00 shall be paid to the clerk of the district court. The
7 clerk of the district court, on or before the fifteenth day of
8 the month in which costs are collected under this section, shall
9 transmit 45 cents of the costs collected to the executive secre-
10 tary of the Michigan judges retirement system created by the
11 judges retirement act of 1992, Act No. 234 of the Public Acts of
12 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled
13 Laws, and shall transmit \$8.55 of the costs collected to the
14 state treasurer. Of each \$8.55 received, the state treasurer
15 shall deposit 30 cents in the legislative retirement fund created
16 by the Michigan legislative retirement system act, Act No. 261 of
17 the Public Acts of 1957, ~~as amended,~~ being sections 38.1001 to
18 38.1060 of the Michigan Compiled Laws; ~~\$4.25~~ AND SHALL DEPOSIT
19 THE BALANCE in the state general fund. ~~and shall deposit the~~
20 ~~balance in the state court fund created by section 151a.~~

21 (2) The clerk of the district court shall prepare and submit
22 a court filing fee report to the executive secretary of the
23 Michigan judges retirement system created by Act No. 234 of the
24 Public Acts of 1992 at the same time the clerk of the district
25 court transmits the portion of the costs collected under this
26 section to the executive secretary.

1 Sec. 8420. (1) A fee of \$17.00 shall be charged and
2 collected for the filing of the affidavit for the commencement of
3 any action in which the amount in controversy does not exceed
4 \$600.00, and a fee of \$32.00 shall be charged and collected in
5 any action in which the amount in controversy exceeds \$600.00. A
6 fee in an amount equal to the prevailing postal rate for the
7 service provided shall be charged and collected for each
8 defendant to whom a copy of the affidavit is mailed by the
9 clerk. A fee of \$15.00 shall be charged and collected for the
10 issuance of a writ of execution, attachment, or garnishment, and
11 for the issuance of a judgment debtor discovery subpoena. Except
12 as otherwise provided in this chapter, a fee or charge shall not
13 be collected by an officer for any service rendered under this
14 chapter or for the taking of affidavits for use in connection
15 with any action commenced under this chapter.

16 (2) Of each \$17.00 filing fee collected within the month, at
17 the end of each month, the clerk shall transmit \$2.00 to the
18 state treasurer to be credited to the community dispute resolu-
19 tion fund created by the community dispute resolution act, Act
20 No. 260 of the Public Acts of 1988, being sections 691.1551 to
21 691.1564 of the Michigan Compiled Laws; \$4.50 to the executive
22 secretary of the Michigan judges retirement system created by the
23 judges retirement act of 1992, Act No. 234 of the Public Acts of
24 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled
25 Laws; ~~\$5.50~~ AND THE BALANCE to the treasurer of the district
26 control unit in which the action was commenced. ~~-, and the~~

~~1 balance to the state treasurer for deposit in the state court
2 fund created in section 151a.~~

3 (3) Of each \$32.00 filing fee collected within the month, at
4 the end of each month, the clerk shall transmit \$2.00 to the
5 state treasurer to be credited to the community dispute resolu-
6 tion fund created by Act No. 260 of the Public Acts of 1988;
7 \$9.00 to the executive secretary of the judges retirement system;
8 ~~\$11.00~~ AND THE BALANCE to the treasurer of the district control
9 unit in which the action was commenced. ~~and the balance to the~~
10 ~~state treasurer for deposit in the state court fund created in~~
11 ~~section 151a.~~

12 (4) If the affidavit and notice to appear and answer are
13 served by personal service, the person serving the process is
14 entitled to the same fee and mileage as for the service of a sum-
15 mons and complaint out of the district court.

16 (5) The clerk of the district court shall prepare and submit
17 a court filing fee report to the executive secretary of the
18 Michigan judges retirement system created by Act No. 234 of the
19 Public Acts of 1992 at the same time the clerk of the district
20 court transmits the portion of the fees collected under this sec-
21 tion to the executive secretary.

22 Sec. 8501. (1) In a county which elects by itself fewer
23 than 2 district judges, the county board of commissioners shall
24 provide for 1 district court magistrate. In all other counties
25 in districts of the first and second class, the county board of
26 commissioners shall provide for at least 1 magistrate when
27 recommended by the judges of the district. Additional

1 magistrates may be provided by the board upon recommendation of
2 the judges. All magistrates provided for shall be appointed by
3 the judges of the district and the appointments shall be subject
4 to approval by the county board of commissioners before a person
5 assumes the duties of the office of magistrate.

6 (2) In each district of the third class, the judge or judges
7 of the district may appoint 1 or more district court
8 magistrates. A person shall not be appointed magistrate unless
9 the person is a registered elector in the district for which the
10 person was appointed. Before a person assumes the duties of the
11 office of magistrate in a district of the third class, the
12 appointment of that person as a district court magistrate shall
13 be subject to approval by the governing body or bodies of the
14 district control unit or units which, individually or in the
15 aggregate, contain more than 50% of the population of the
16 district. This subsection shall not apply to the thirty-sixth
17 district.

18 ~~(3) The thirty sixth district shall have not more than 6~~
19 ~~district court magistrates. The chief judge of the thirty sixth~~
20 ~~district may appoint 1 or more magistrates as permitted by this~~
21 ~~subsection. If a vacancy occurs in the office of district court~~
22 ~~magistrate, the chief judge may appoint a successor. Each magis-~~
23 ~~trate appointed under this subsection shall serve at the pleasure~~
24 ~~of the chief judge of the thirty sixth district.~~

25 ~~(4) A person shall not be appointed district court magis-~~
26 ~~trate under subsection (3) unless the person is a registered~~
27 ~~elector in the district.~~

1 Sec. 8521. ~~(1)~~ Magistrates shall be paid by the county in
2 districts of the first and second class and by the district con-
3 trol unit or units in districts of the third class on a salary or
4 per diem basis as determined by the county board of commissioners
5 in districts of the first and second class or by the governing
6 bodies of the district control unit or units in districts of the
7 third class except that in no case shall the salary of the magis-
8 trate be less than \$5,000.00 per year if paid a salary or less
9 than \$20.00 per day and \$10.00 per half day if paid per diem.
10 Uniformity in compensation of magistrates within a county in a
11 district of the first class or within a district of the second
12 class is not essential. Where a magistrate is paid on a per diem
13 basis, the presiding judge of the district shall certify the
14 number of days and half days which the magistrate worked in a pay
15 period.

16 ~~(2) In the thirty sixth district, the compensation of a~~
17 ~~magistrate shall be fixed in the same manner as provided in sec-~~
18 ~~tions 8272 and 9104. The salaries of all magistrates appointed~~
19 ~~to serve in the thirty sixth district shall be uniform.~~

20 Sec. 8525. An attorney at law who is a magistrate shall be
21 prohibited from the practice of law in the district court for the
22 district in which the attorney serves. ~~A person who is~~
23 ~~appointed as a magistrate in the thirty sixth district shall not~~
24 ~~engage in the practice of law while he or she is a magistrate.~~

25 Sec. 8535. ~~(1) Except as provided in subsection (2),~~
26 ~~district~~ DISTRICT court magistrates shall pay all fines and
27 costs received by them to the clerk of the district court on or

1 before the last day of the month following receipt of those
2 funds, which shall be allocated as provided in section 8379.

3 ~~(2) In the thirty sixth district, each district court mag-~~
4 ~~istrate shall cause all fines and costs received by the magis-~~
5 ~~trate to be paid immediately to the clerk of the district court~~
6 ~~for the thirty sixth district.~~

7 Sec. 8621. (1) District court recorders and reporters shall
8 be paid by each district control unit. ~~, except that in the~~
9 ~~thirty sixth district each recorder and reporter shall be paid by~~
10 ~~the state.~~ In districts consisting of more than 1 district con-
11 trol unit, each district control unit shall contribute to the
12 salary in the same proportion as the number of cases entered and
13 commenced in the district control unit bears to the number of
14 cases entered and commenced in the district, as determined by the
15 judges of the district court under rules prescribed by the
16 supreme court.

17 (2) The state shall purchase and pay for a recording device
18 for each district ~~or municipal~~ judge, but the replacement,
19 maintenance, and repair of the recording devices and the cost of
20 supplies shall be paid for by the district. ~~or municipality.~~
21 The recording devices shall be the property of the district ~~or~~
22 ~~municipal~~ court.

23 SEC. 9938A. (1) EFFECTIVE JANUARY 1, 1996, THE DISTRICT
24 COURTS SHALL COMMENCE TO FUNCTION IN THE THIRTY-SECOND-B AND THE
25 THIRTY-EIGHTH DISTRICT AND, AS OF THAT DATE, THE MUNICIPAL COURTS
26 WITHIN THOSE DISTRICTS ARE ABOLISHED.

1 (2) ALL CAUSES OF ACTION TRANSFERRED TO THE THIRTY-SECOND-B
2 AND THIRTY-EIGHTH DISTRICT COURTS PURSUANT TO SECTION 9924(1)
3 SHALL BE AS VALID AND SUBSISTING AS THEY WERE IN THE MUNICIPAL
4 COURTS FROM WHICH THEY WERE TRANSFERRED. ALL ORDERS AND JUDG-
5 MENTS ENTERED BEFORE JANUARY 1, 1996 IN THE MUNICIPAL COURTS
6 ABOLISHED PURSUANT TO SUBSECTION (1) ARE APPEALABLE IN LIKE
7 MANNER AND TO THE SAME COURTS AS APPLICABLE BEFORE THAT DATE.

8 (3) THE RIGHTS AND PRIVILEGES ACCORDED UNDER SECTION
9 8271(4), (5), AND (6) TO EMPLOYEES OF COURTS ABOLISHED BY SECTION
10 9921 APPLY TO EMPLOYEES OF THE MUNICIPAL COURTS ABOLISHED BY SUB-
11 SECTION (1) TO THE SAME EXTENT AND EFFECT.

12 SEC. 9941A. (1) ON THE EFFECTIVE DATE OF THIS SECTION, THE
13 RECORDER'S COURT OF THE CITY OF DETROIT IS ABOLISHED. ON THE
14 EFFECTIVE DATE OF THIS SECTION, THE PROBATE COURT IS ABOLISHED IN
15 EVERY COUNTY IN THIS STATE.

16 (2) ALL FILES, RECORDS, AND PENDING CASES OF THE RECORDER'S
17 COURT OR THE PROBATE COURT SHALL BE TRANSFERRED TO THE CIRCUIT
18 COURT OR FAMILY COURT IN ACCORDANCE WITH RULES PRESCRIBED BY THE
19 SUPREME COURT, AND THE CIRCUIT COURT OR FAMILY COURT SHALL EXER-
20 CISE ALL POWERS IN REGARD TO THOSE FILES, RECORDS, AND CASES AS
21 PROVIDED BY RULES OF THE SUPREME COURT. THE CIRCUIT COURT OR
22 FAMILY COURT SHALL HAVE JURISDICTION TO HEAR AND DETERMINE ALL
23 CASES TRANSFERRED UNDER THIS SECTION, AND SHALL EXERCISE ALL
24 AUTHORITY WITH REGARD TO THOSE CASES AS THOUGH THE CASES HAD BEEN
25 COMMENCED IN THAT COURT. ALL ORDERS AND JUDGMENTS OF THE PROBATE
26 COURT OR THE RECORDER'S COURT SHALL BE APPEALABLE IN LIKE MANNER
27 AND TO THE SAME COURTS AS APPLICABLE BEFORE THAT DATE.

1 Section 2. The following acts and parts of acts are
2 repealed:

3 (a) Chapter 49a and sections 151a, 225a, 563, 564, 567, 592,
4 593, 594, 595, 801, 803, 805, 807, 808, 809, 810, 811, 812, 813,
5 815, 817, 819, 821, 822, 824, 825, 826, 828, 829, 831, 832, 835,
6 836, 843, 845, 846, 847, 854, 855, 856, 857, 858, 863, 866, 872,
7 875, 1123, 1417, 1485, 4917, 4921, 4923, 8272, 8273, 8275, 9101,
8 9102, 9104, 9105, 9106, 9107, and 9947 of Act No. 236 of the
9 Public Acts of 1961, being sections 600.151a, 600.225a, 600.563,
10 600.564, 600.567, 600.592, 600.593, 600.594, 600.595, 600.801,
11 600.803, 600.805, 600.807, 600.808, 600.809, 600.810, 600.811,
12 600.812, 600.813, 600.815, 600.817, 600.819, 600.821, 600.822,
13 600.824, 600.825, 600.826, 600.828, 600.829, 600.831, 600.832,
14 600.835, 600.836, 600.843, 600.845, 600.846, 600.847, 600.854,
15 600.855, 600.856, 600.857, 600.858, 600.863, 600.866, 600.872,
16 600.875, 600.1123, 600.1417, 600.1485, 600.4917, 600.4921,
17 600.4923, 600.4951 to 600.4969, 600.8272, 600.8273, 600.8275,
18 600.9101, 600.9102, 600.9104, 600.9105, 600.9106, 600.9107, and
19 600.9947 of the Michigan Compiled Laws.

20 (b) Act No. 326 of the Local Acts of 1883, being sections
21 726.1 to 726.49 of the Michigan Compiled Laws.

22 (c) Act No. 369 of the Public Acts of 1919, being sections
23 725.1 to 725.39 of the Michigan Compiled Laws.