

HOUSE BILL NO. 5497

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 834 (MCL 600.834), as amended by 1996 PA  
388.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 834. (1) Except as provided in subsection (2), a pro-  
2 bate register or deputy probate register is competent to exercise  
3 any of the following powers in an uncontested matter or hearing  
4 ~~when~~ IF authorized by general order of the probate judge or  
5 chief probate judge of the county in which the probate register  
6 or deputy probate register was appointed:

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

- 1 (b) Take acknowledgments.
- 2 (c) Administer oaths.
- 3 (d) Set hearings.
- 4 (e) Sign notices, citations, and subpoenas.
- 5 (f) Take testimony required by law or supreme court rules in  
6 all of the following matters:
- 7 (i) Appointment of a fiduciary of an estate of a deceased or  
8 minor.
- 9 (ii) Admission to probate of a will, codicil, or other tes-  
10 tamentary instrument.
- 11 (iii) Determination of heirs.
- 12 (iv) Sale, mortgage, or lease of property.
- 13 (v) Assignment of residue of an estate or any part of the  
14 residue of an estate.
- 15 (vi) Setting and approval of bonds.
- 16 (vii) Removal of fiduciaries.
- 17 (viii) Issuing of a license to marry, if the issuance of the  
18 license is authorized under section 1 of ~~Act No. 180 of the~~  
19 ~~Public Acts of 1897, being section 551.201 of the Michigan~~  
20 ~~Compiled Laws~~ 1897 PA 180, MCL 551.201.
- 21 (G) PERFORM AN ACT OR ISSUE AN ORDER AS SPECIFIED IN THE  
22 ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.1101  
23 TO 700.8102, IF THAT ACT AUTHORIZES THE PROBATE REGISTER TO DO  
24 SO.
- 25 (2) A probate register or deputy probate register shall not  
26 enter a judgment. A probate register or deputy probate register

**HB 5497, As Passed Senate, March 23, 2000**

House Bill No. 5497 as amended March 15, 2000

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1 shall not exercise any power provided in subsection (1) if the  
2 matter or hearing is:

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

5 (b) For appointment of a guardian of a legally incapacitated  
6 [~~person~~ INDIVIDUAL] or the appointment of a conservator for a reason  
other  
7 than minority.

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

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

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

[Enacting section 1. This amendatory act takes effect April 1,  
2000.]