



HOUSE BILL No. 5497

March 8, 2000, Introduced by Rep. Richner and referred to the Committee on Family and Civil Law.

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

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 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.