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ABOLISH FAMILY COURT, MOVE FAMILY MATTERS TO PROBATE CT

House Bill 5937

Sponsor: Rep. Ted Wallace

Committee: Judiciary

Complete to 6-12-98

A SUMMARY OF HOUSE BILL 5937 AS INTRODUCED 6-11-98

Public Act 388 of 1996 created the family division of the circuit court (known as the "family court") and transferred from the probate court to the new family court jurisdiction over adoptions, name changes, juvenile delinquency, abuse and neglect cases, (and -- after January 1, 1998 -- ancillary jurisdiction over cases that involve guardians and conservators, or treatment of, or guardianship of, mentally ill or developmentally disabled people under the Mental Health Code), in addition to the circuit court jurisdiction over divorce and custody cases. Probate court was left with exclusive jurisdiction over wills and estates, and primary jurisdiction over guardianships, conservatorships, and mental health commitments.

The bill would repeal Chapter 10 of the Revised Judicature Act, which creates the family division of the circuit court and specifies its jurisdiction, and would transfer jurisdiction over family court matters to the probate court.

In addition, the bill would allow appeals of probate court adoption orders, final orders entered by the juvenile court, and final orders in condemnation cases entered under the Drain Code by right to the court of appeals (currently, these appeals may be made by right to the circuit court only for orders entered before January 1, 1998). The bill also would delete language (a) giving the circuit court exclusive jurisdiction over condemnation cases under the Drain Code, and (b) language allowing the family court to hold session at alternative locations (including, under certain circumstances, hearings at regional diagnostic and treatment centers or other appropriate sites).

MCL 600.601 et al.

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.