

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961
Chapter 4
TRIAL COURT CONCURRENT JURISDICTION

600.401 Plan of concurrent jurisdiction.

Sec. 401.

(1) Within each judicial circuit, subject to approval by the supreme court and to the limitations contained in sections 410, 841, and 8304, a plan of concurrent jurisdiction shall be adopted by a majority vote of all of the judges of the trial courts in the plan unless a majority of all of the judges of the trial courts in that judicial circuit vote not to have a plan of concurrent jurisdiction. If a majority of all of the judges of the trial courts in a judicial circuit vote not to have a plan of concurrent jurisdiction, the chief judge of the circuit court of that judicial circuit shall report the results of that vote to the state court administrator.

(2) A plan of concurrent jurisdiction under this section may provide for 1 or more of the following:

- (a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.
- (b) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the district court.
- (c) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.
- (d) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the district court.
- (e) The district court and 1 or more district judges may exercise the power and jurisdiction of the circuit court.
- (f) The district court and 1 or more district judges may exercise the power and jurisdiction of the probate court.
- (g) If there are multiple district court districts within the judicial circuit, 1 or more district judges may exercise the power and jurisdiction of judge of another district court district within the judicial circuit.

(3) A plan of concurrent jurisdiction under this section shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction under this section may include agreements as to other matters involving the operation of the trial courts participating in the plan, as approved by the supreme court.

(5) A plan of concurrent jurisdiction becomes effective upon the approval of the plan by the supreme court.

(6) This section does not apply to the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, which have district court districts of the third class.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003 ;-- Am. 2012, Act 338, Eff. Jan. 1, 2013

600.405 Plan of concurrent jurisdiction; adoption; options.

Sec. 405.

Sections 406, 407, and 408 provide options for adoption of a plan of concurrent jurisdiction in the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, which have district court districts of the third class.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003

600.406 Circuit and probate judges; Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne counties; adoption of plan of concurrent jurisdiction.

Sec. 406.

(1) Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, a majority of all of the circuit and probate judges, subject to approval by the supreme court and to the limitations contained in sections 410, 841, and 8304, shall adopt 1 or more plans of concurrent jurisdiction under this section unless a plan

of concurrent jurisdiction has been adopted under section 407 or 408, or unless a majority of all of the circuit and probate judges in that county vote not to have a plan of concurrent jurisdiction. If a majority of all of the circuit and probate judges in that county vote not to have a plan of concurrent jurisdiction, the chief judge of the circuit court shall report the results of that vote to the state court administrator.

(2) A plan of concurrent jurisdiction under this section may provide for 1 or more of the following:

(a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.

(b) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.

(3) A plan of concurrent jurisdiction under this section shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction under this section may include agreements as to other matters involving the operation of the trial courts participating in the plan, as approved by the supreme court.

(5) A plan of concurrent jurisdiction becomes effective upon the approval of the plan by the supreme court.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003 ;-- Am. 2012, Act 338, Eff. Jan. 1, 2013

600.407 District judges, circuit and probate judges; Genesee, Ingham, Kent, Macomb, Oakland, and Washtenaw counties; adoption of plan of concurrent jurisdiction.

Sec. 407.

(1) Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, and Washtenaw, a majority of all of the district judges in the county-funded district court district and the circuit judges and probate judges of the courts in the plan, subject to approval by the supreme court and to the limitations contained in sections 410, 841, and 8304, shall adopt 1 or more plans of concurrent jurisdiction under this section unless a plan of concurrent jurisdiction has been adopted under section 406 or 408, or unless a majority of all of the district judges in the county-funded district court district and the circuit judges and probate judges in that county vote not to have a plan of concurrent jurisdiction. If a majority of all of the district judges in the county-funded district court district and the circuit judges and probate judges in that county vote not to have a plan of concurrent jurisdiction, the chief judge of the circuit court in that county shall report the results of that vote to the state court administrator.

(2) A plan of concurrent jurisdiction under this section may provide for 1 or more of the following:

(a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.

(b) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the district court within the county-funded district court district.

(c) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.

(d) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the district court within the county-funded district court district.

(e) The district court and 1 or more district judges in the county-funded district court district within the county may exercise the power and jurisdiction of the circuit court.

(f) The district court and 1 or more district judges in the county-funded district court district within the county may exercise the power and jurisdiction of the probate court.

(3) A plan of concurrent jurisdiction under this section shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction under this section may include agreements as to other matters involving the operation of the trial courts participating in the plan, as approved by the supreme court.

(5) A plan of concurrent jurisdiction becomes effective upon the approval of the plan by the supreme court.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003 ;-- Am. 2012, Act 338, Eff. Jan. 1, 2013

600.408 Trial court judges; Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne counties; adoption of plans of concurrent jurisdiction.

Sec. 408.

(1) Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, the circuit judges, the probate judges, and the district judges in 1 or more district court districts within the county, subject to approval by the supreme court and to the limitations contained in sections 410, 841, and 8304, by a majority vote of all of the judges of the trial courts in the plan, may adopt 1 or more plans of concurrent jurisdiction for the participating trial courts in that county.

(2) A plan of concurrent jurisdiction under this section may provide for 1 or more of the following:

(a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.

(b) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the district court within the participating district court districts within the county.

(c) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.

(d) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the district court within the participating district court districts within the county.

(e) The district court and 1 or more district judges in the participating district court districts within the county may exercise the power and jurisdiction of the circuit court.

(f) The district court and 1 or more district judges in the participating district court districts within the county may exercise the power and jurisdiction of the probate court.

(g) If there are multiple district court districts within the county, 1 or more district judges may exercise the power and jurisdiction of the judge of another district court district within the county.

(3) A plan of concurrent jurisdiction under this section shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction under this section may include agreements as to other matters involving the operation of the trial courts participating in the plan, as approved by the supreme court.

(5) A plan of concurrent jurisdiction involving district court districts of the third class may include an agreement as to the allocation of court revenue, other than revenue payable by statute to libraries or state funds, and court expenses. This agreement is subject to approval as follows:

(a) Except as provided in subdivision (b), by the county board of commissioners and by each local funding unit of each participating district.

(b) If the plan of concurrent jurisdiction only involves district court districts of the third class, by each local funding unit of each participating district of the third class.

(6) A plan of concurrent jurisdiction becomes effective upon the approval of the plan by the supreme court.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003 ;-- Am. 2012, Act 338, Eff. Jan. 1, 2013

600.410 Plan of concurrent jurisdiction; delegation; prohibition.

Sec. 410.

A plan of concurrent jurisdiction adopted under this chapter shall not include a delegation of any of the following:

(a) A power of appointment to a public office delegated by constitution or statute to the circuit court or a circuit judge.

(b) A power of appointment to a public office delegated by constitution or statute to the probate court or a probate judge.

(c) A power of appointment to a public office delegated by law to the district court or a district judge, unless that power of appointment is delegated to a court or judge other than the circuit court or a circuit judge.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003 ;-- Am. 2005, Act 326, Imd. Eff. Dec. 27, 2005 ;-- Am. 2012, Act 338, Eff. Jan. 1, 2013

600.411 Repealed. 2012, Act 338, Eff. Jan. 1, 2013.

Compiler's Notes: The repealed section pertained to concurrent jurisdiction of probate judge.

600.412 Concurrent jurisdiction plan in effect on December 31, 2012; validity.

Sec. 412.

A concurrent jurisdiction plan that was adopted, approved by the supreme court, and in effect on December 31, 2012, is considered valid and in compliance with the requirements of this chapter.

History: Add. 2012, Act 338, Eff. Jan. 1, 2013

600.413 Concurrent jurisdiction plans; design; objection to plan.

Sec. 413.

(1) Concurrent jurisdiction plans shall be designed to benefit the citizens utilizing the courts involved rather than the courts themselves or any judge or judges.

(2) A judge voting not to have a plan of concurrent jurisdiction under this chapter may file an objection with the state court administrator. An objection must specifically state the reasons for the objection and may include, but not be limited to, objections based on insufficient allocation of staff or resources, inadequate training for any judge or staff, excessive assignments outside of a judge's election district, or retaliation for any action, including failing to vote for a concurrent jurisdiction plan.

(3) Subject to approval of the supreme court, before the supreme court approves a concurrent jurisdiction plan under this chapter, the state court administrator shall review objections under this section and report the substance of the objections and the administrator's findings about the objections' validity to the supreme court. Subject to approval of the supreme court, the state court administrator shall forward a proposed concurrent jurisdiction plan to the supreme court for review after affirmatively finding that the proposed concurrent jurisdiction plan is in compliance with this chapter and the best interests of the people of the communities being served.

History: Add. 2012, Act 338, Eff. Jan. 1, 2013

600.415 Family court plan.

Sec. 415.

A plan of concurrent jurisdiction may include a family court plan as provided in chapter 10.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003

600.420 Record maintenance.

Sec. 420.

Unless an alternate method of record maintenance is approved by the county clerk as part of a plan of concurrent jurisdiction, the records of the circuit court, probate court, and district court shall continue to be maintained by that respective county clerk, probate register, or district court clerk in the same manner as the

method employed for record management before the plan of concurrent jurisdiction is adopted.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003

600.425 Approval of plan by local funding units.

Sec. 425.

Not later than 30 days before a proposed plan of concurrent jurisdiction under this chapter is submitted to the supreme court for approval, the plan shall be submitted to the local funding unit or units for their review of the plan's financial implications. Consistent with article VII, section 8 of the state constitution of 1963, the cost of implementing a plan of concurrent jurisdiction is subject to approval by the funding unit or units through the funding units' budgeting process.

History: Add. 2002, Act 678, Eff. Apr. 1, 2003