

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 10

600.1001 Family division of circuit court; creation; organization.

Sec. 1001. The family division of circuit court is created as a division of circuit court and is organized pursuant to this chapter.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

Compiler's note: Former MCL 600.1001, which pertained to circuit court commissioners, election, term, and number, was repealed by Act 297 of 1974, Eff. Apr. 1, 1975.

600.1003 Family division of circuit court to be in each judicial circuit.

Sec. 1003. Each judicial circuit shall have a family division of circuit court.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

600.1004 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to presiding circuit court commissioner.

600.1005 Family division of circuit court; power and authority of judge.

Sec. 1005. A circuit judge serving in the family division of circuit court retains all the power and authority of a judge of the circuit court.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 2002, Act 682, Eff. Apr. 1, 2003.

600.1007 Family division of circuit court; county clerk as clerk of the court.

Sec. 1007. As with circuit court, the county clerk is the clerk of the court for the family division of the circuit court.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

Compiler's note: Former MCL 600.1007, which pertained to circuit court commissioner and designation of successors, was repealed by Act 297 of 1974, Eff. Apr. 1, 1975.

600.1009 Reference to former juvenile division of probate court; construction.

Sec. 1009. A reference to the former juvenile division of probate court in any statute of this state shall be construed to be a reference to the family division of circuit court.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

600.1010 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to continuance in office of incumbent circuit court commissioner.

600.1011 Operation of family division and coordination of agency services; agreement; establishment of family court plan.

Sec. 1011. (1) Not later than July 1, 2003, in each judicial circuit, the chief circuit judge and the chief probate judge or judges shall enter into an agreement that establishes a plan known as the "family court plan" that details how the family division will be operated in that circuit and how the services of the agencies listed in section 1043 will be coordinated in order to promote more efficient and effective services to families and individuals. If a probate court district includes counties that are in different judicial circuits, the chief judge of each judicial circuit that includes a county in the probate court district and the chief probate judge shall enter into a family court plan for each circuit.

(2) If, in any judicial circuit, the agreement required under subsection (1) is not entered into on or before July 1, 2003, the supreme court shall develop and implement the family court plan for that judicial circuit.

(3) A family court plan required under subsection (1) shall provide that a judge's service pursuant to the family court plan be consistent with the goal of developing sufficient judicial expertise in family law to properly serve the interests of the families and children whose cases are assigned to that judge. The chief judge of the circuit court shall have the authority and flexibility to determine the duration of a judge's service pursuant to the family court plan in furtherance of this goal.

(4) A judge serving pursuant to the family court plan shall receive appropriate training as required by the supreme court.

(5) A family court plan required under subsection (1) may provide that when a judge's service pursuant to the family court plan ends, the pending cases of that judge are to be reassigned to another judge or judges serving pursuant to the family court plan or are to be resolved by that judge.

(6) A family court plan required under subsection (1) shall specifically identify any probate judge serving pursuant to the family court plan.

(7) A family court plan required under subsection (1) shall be reviewed and revised periodically, as necessary, by the chief circuit judge or judges and the chief probate judge or judges, and shall be submitted for approval by the supreme court.

History: Add. 1996, Act 388, Eff. Oct. 1, 1996;—Am. 1998, Act 298, Imd. Eff. July 28, 1998;—Am. 2002, Act 682, Eff. Apr. 1, 2003.

600.1013 Repealed. 2002, Act 682, Eff. Apr. 1, 2003.

Compiler's note: The repealed section pertained to assignment of judges to family division.

600.1016 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to oath of office of circuit court commissioner.

600.1017 Repealed. 1998, Act 298, Imd. Eff. July 28, 1998.

Compiler's note: The repealed section pertained to assignment of judge not licensed to practice law.

600.1019 Family court judges; training.

Sec. 1019. The Michigan judicial institute shall provide appropriate training for all probate judges and circuit judges who are serving pursuant to the family court plan.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 2002, Act 682, Eff. Apr. 1, 2003.

Compiler's note: Former MCL 600.1019, which pertained to execution of bond by circuit court commissioner, was repealed by Act 297 of 1974, Eff. Apr. 1, 1975.

600.1021 Family division of circuit court; jurisdiction.

Sec. 1021. (1) Except as otherwise provided by law, the family division of circuit court has sole and exclusive jurisdiction over the following cases commenced on or after January 1, 1998:

(a) Cases of divorce and ancillary matters as set forth in the following statutes:

(i) 1846 RS 84, MCL 552.1 to 552.45.

(ii) 1909 PA 259, MCL 552.101 to 552.104.

(iii) 1911 PA 52, MCL 552.121 to 552.123.

(iv) 1913 PA 379, MCL 552.151 to 552.156.

(v) The friend of the court act, 1982 PA 294, MCL 552.501 to 552.535.

(vi) 1905 PA 299, MCL 552.391.

(vii) 1949 PA 42, MCL 552.401 to 552.402.

(viii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(ix) The support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(x) The interstate income withholding act, 1985 PA 216, MCL 552.671 to 552.685.

(b) Cases of adoption as provided in chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

(c) Cases involving certain children incapable of adoption under 1925 PA 271, MCL 722.531 to 722.534.

(d) Cases involving a change of name as provided in chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3.

(e) Cases involving juveniles as provided in chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(f) Cases involving the status of minors and the emancipation of minors under 1968 PA 293, MCL 722.1 to 722.6.

(g) Cases of child custody under the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31, and child custody jurisdiction as provided in the uniform child-custody jurisdiction and enforcement act, 2001 PA 195, MCL 722.1101 to 722.1406.

(h) Cases involving paternity and child support under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(i) Cases involving parental consent for abortions performed on unemancipated minors under the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908.

(j) Cases involving child support under the revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(k) Cases involving personal protection orders and foreign protection orders under sections 2950 to 2950m.

(2) The family division of circuit court has ancillary jurisdiction over the following cases commenced on or after January 1, 1998:

(a) Cases involving guardians and conservators as provided in article 5 of the estates and protected individuals code, 1998 PA 386, MCL 700.5101 to 700.5520.

(b) Cases involving treatment of, or guardianship of, mentally ill or developmentally disabled persons under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(3) A probate judge identified in section 1011 as serving pursuant to the family court plan has the same power and authority, within the county or probate court district in which he or she serves as probate judge, as that of a circuit judge over cases described in subsection (1), in addition to all the power and authority of a judge of the probate court.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 2000, Act 56, Eff. Apr. 1, 2000;—Am. 2002, Act 682, Eff. Apr. 1, 2003.

600.1022 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to powers of circuit court commissioner.

600.1023 Cases involving members of same family; assignment of judge.

Sec. 1023. When 2 or more matters within the jurisdiction of the family division of circuit court involving members of the same family are pending in the same judicial circuit, those matters, whenever practicable, shall be assigned to the judge to whom the first such case was assigned.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 2002, Act 682, Eff. Apr. 1, 2003.

600.1025 Fees; applicability.

Sec. 1025. Except as otherwise provided in sections 1027 to 1031, fees payable in civil actions in circuit court apply to cases in the family division.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

Compiler's note: Former MCL 600.1025, which pertained to circuit court commissioner power to punish for contempt of court, was repealed by Act 297 of 1974, Eff. Apr. 1, 1975.

600.1027 Ancillary or limited guardianship; filing fee; disposition.

Sec. 1027. (1) At the time of commencing an ancillary guardianship or limited guardianship proceeding in the family division of circuit court, the party commencing the proceeding shall pay a \$150.00 filing fee to the family division of circuit court.

(2) A party is not required to pay a fee under this section if the party is the attorney general, department of treasury, family independence agency, state public administrator, or administrator of veterans affairs of the United States veterans administration, or an agency of county government.

(3) The clerk of the court, on or before the fifth day of the month following the month in which any fees are collected under this section, shall transmit to the county treasurer all fees collected under this section during the preceding month. Within 15 days after receiving the fees, the county treasurer shall transmit, for each fee collected, \$31.00 to the county treasurer and the balance of the fee to the state treasurer for deposit in the civil filing fee fund created in section 171.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 2003, Act 138, Eff. Oct. 1, 2003.

600.1028 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to limitations of powers on circuit court commissioners.

600.1029 Proceedings not requiring fee.

Sec. 1029. A fee shall not be charged for any of the following in the family division of circuit court:

(a) Commencing an ancillary proceeding under any provision of the mental health code, Act No. 258 of the Public Acts of 1974, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, or any provision of chapter XIA of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.31 of the Michigan Compiled Laws.

(b) Filing an acknowledgment of paternity.

(c) Filing a motion, petition, account, objection, or claim in an ancillary guardianship or limited guardianship proceeding if the moving party is the subject of the proceeding.

(d) An ancillary conservatorship proceeding if the moving party is the subject of the proceeding, or in the case of a conservatorship for a minor for a motion to release restricted funds.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

600.1031 Copies of letters of authority or guardianship; publication of order.

Sec. 1031. In an ancillary proceeding under section 1021(2), the family division of circuit court shall make 1 certified copy or exemplification of any letter of authority or letter of guardianship and shall furnish it

without charge to the fiduciary or the fiduciary's attorney or guardian or guardian's attorney on request. The court, where the order shall necessarily be entered in the administration of an estate, shall deliver to the printer or publisher a certified copy of each order for publication.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

Compiler's note: Former MCL 600.1031, which pertained to practice of law by copartner of circuit court commissioner, was repealed by Act 297 of 1974, Eff. Apr. 1, 1975.

600.1034 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to discharge of former duties of masters in chancery by circuit court commissioner.

600.1035 Submission of contested issue in domestic relations action; history of coercive or violent relationship or presence of coercion or violence; inquiry and screening by mediator; "domestic relations action" defined.

Sec. 1035. (1) Except as provided in this subsection, unless a court first conducts a hearing under the court rules to determine whether mediation is appropriate, the court shall not submit a contested issue in a domestic relations action, including postjudgment proceedings, if either of the following applies:

(a) A personal protection order has been issued under section 2950 or 2950a or another order has been entered protecting 1 party and restraining the other party. However, the court may order mediation if the protected party requests mediation.

(b) One or both of the parties are involved in a child abuse or neglect proceeding. However, the court may order mediation if a parent protected by an order in the proceeding requests mediation.

(2) In a domestic relations mediation, the mediator shall make reasonable inquiry as to whether either party has a history of a coercive or violent relationship with the other party. A reasonable inquiry includes the use of the domestic violence screening protocol for mediation provided by the state court administrative office as directed by the supreme court.

(3) A mediator shall make reasonable efforts throughout the domestic relations mediation process to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant, or that would impede the achievement of a voluntary and safe resolution of issues.

(4) As used in this section, "domestic relations action" means any of the following:

(a) An action for divorce, separate maintenance, annulment of marriage, affirmation of marriage, paternity, family support under the family support act, 1966 PA 138, MCL 552.451 to 552.459, the custody of minors under the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31, or grandparenting time under section 7b of the child custody act of 1970, 1970 PA 91, MCL 722.27b.

(b) A proceeding that is ancillary or subsequent to an action listed in subdivision (a) and that relates to any of the following:

(i) The custody of a minor.

(ii) Parenting time with a minor.

(iii) The support of a minor, spouse, or former spouse.

History: Add. 2016, Act 93, Eff. Aug. 1, 2016.

600.1037 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to discharge of former duties of injunction masters by circuit court commissioner.

600.1040 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to transfer of records to circuit court commissioner.

600.1041 Suspension of order pending appeal.

Sec. 1041. The pendency of an appeal from the family division of circuit court in a matter involving the disposition of a juvenile or, in a case where the family division has ancillary jurisdiction, from an order entered pursuant to the mental health code, Act No. 258 of the Public Acts of 1974, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, shall not suspend the order unless the court to which the appeal is taken specifically orders the suspension. An application for a delayed appeal from an order of the family division of circuit court in a matter involving the disposition of a juvenile shall be filed within 6 months after entry of the order.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

600.1043 Assistance to be provided to family division.

Sec. 1043. All of the following shall provide assistance to the family division of circuit court in accordance with the court's jurisdiction:

- (a) The office and facilities of the friend of the court.
- (b) The family counseling services created under the circuit court family counseling services act, Act No. 155 of the Public Acts of 1964, being sections 551.331 to 551.344 of the Michigan Compiled Laws.
- (c) The county juvenile officers and assistant county juvenile officers appointed under Act No. 22 of the Public Acts of the Extra Session of 1919, being sections 400.251 to 400.254 of the Michigan Compiled Laws.
- (d) All other state and public agencies that provide assistance to families or juveniles.

History: Add. 1996, Act 388, Eff. Jan. 1, 1998.

Compiler's note: Former MCL 600.1043, which pertained to completion of real estate sale by circuit court commission after expiration of term of circuit court commissioner, was repealed by Act 297 of 1974, Eff. Apr. 1, 1975.

600.1046 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to process and duties of circuit court commissioner for other absent or otherwise disqualified commissioner.

600.1049 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to sale of property by circuit court commissioner pursuant to judgment of court.

600.1052 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to duties performed by circuit court commissioner in adjoining counties where no commissioner is legally qualified to act.

600.1055 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to suspension of circuit court commissioner by circuit judge.

600.1058 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to vacancies in office of circuit court commissioner.