

PROBATE COURT

In 1818, the court of probate was established in each county, the members of which were appointed by the governor, and from which appeals might be taken to the supreme court. These courts continued in operation until Michigan became a state.

The Revised Statutes of 1838 made the office of Judge of Probate elective for a term of 4 years. The Constitution of 1850 provided for a probate court in each county.

Jurisdiction

The Constitution of 1908 and subsequent acts of the legislature have provided for the jurisdiction of the probate court.

The Constitution of 1963 provides that “the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.” Law currently provides that the probate court has jurisdiction over the administration of decedents’ estates and of trusts, over guardianships and conservatorships, and over the involuntary commitment of mentally ill persons. As of the January 1, 1998 creation of the family division of the circuit court, many now former probate court matters, such as juvenile delinquency, neglect/abuse, and adoption proceedings, were transferred to the jurisdiction of the circuit court.

Probate judges are elected on a nonpartisan ballot for six-year terms, subject to the same requirements as other judges. The legislature sets their salaries, which may be supplemented by counties.

Under Act 271 of 1969, 20 proposed probate districts were created. However, at a special election held on November 4, 1969, only 4 counties voted to approve and establish probate districts. The counties of Charlevoix and Emmet were joined as the 7th Probate District and Gladwin and Clare counties were joined as the 17th Probate District. Under Act 253 of 1974, the voter-approved 5th Probate District, consisting of Alger and Schoolcraft counties, was established. Under Act 45 of 1976, the voter-approved 18th Probate District, consisting of Mecosta and Osceola counties, was established. Luce and Mackinac counties comprise the 6th Probate District.

Caseload

TRENDS IN NEW FILINGS OF CASES IN THE PROBATE COURT 1999-2002

Case Type	1999	2000	2001	2002
Supervised Estates	5,985	2,269	644	665
Independent Estates	14,831	16,453	18,625	18,448
Trusts	747	825	788	920
Guardians	19,856	18,166	17,301	17,704
Conservators	7,532	7,492	6,552	6,375
Civil Actions	296	302	367	374
Judicial and Administrative Admissions	38	57	85	96
Mentally Ill Petitions	14,227	14,819	14,914	13,660
Assignment of Property	7,972	7,568	7,656	7,401
Protective Orders	249	381	478	465
Safekeeping Trust and Wills	11,781	9,826	8,982	12,970
Determine Heirs	23	50	43	24
Total	83,537	78,208	76,435	79,102

MICHIGAN PROBATE COURTS AND PROBATE COURT DISTRICTS



Constitution of Michigan of 1963
Article VI, Sec. 15
 “In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question . . .”

LEGEND	TOTALS
Ⓢ - Probate Court Districts	106 - Judgeships
(#) - Number of Probate Court Judgeships	78 - Number of Probate Courts