

Act No. 189
Public Acts of 1993
Approved by the Governor
October 8, 1993
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**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Griffin, Ciaramitaro, Dolan, Brown, Gubow, Gire, Points, Freeman, Baade and DeMars

ENROLLED HOUSE BILL No. 4873

AN ACT to amend sections 872, 880, 2529, 2546, 5756, 5757, 6536, 8306, 8371, 8381, 8420, and 9947 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," section 880 as added and section 8381 as amended by Act No. 233 of the Public Acts of 1992, sections 2529, 5756, 8371, and 8420 as amended by Act No. 292 of the Public Acts of 1992, sections 5757 and 8306 as amended by Act No. 278 of the Public Acts of 1984, and section 9947 as added by Act No. 438 of the Public Acts of 1980, being sections 600.872, 600.880, 600.2529, 600.2546, 600.5756, 600.5757, 600.6536, 600.8306, 600.8371, 600.8381, 600.8420, and 600.9947 of the Michigan Compiled Laws; to add sections 151a, 875, 880a, 880b, 880c, 880d, 1485, and 2538; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 872, 880, 2529, 2546, 5756, 5757, 6536, 8306, 8371, 8381, 8420, and 9947 of Act No. 236 of the Public Acts of 1961, section 880 as added and section 8381 as amended by Act No. 233 of the Public Acts of 1992, sections 2529, 5756, 8371, and 8420 as amended by Act No. 292 of the Public Acts of 1992, sections 5757 and 8306 as amended by Act No. 278 of the Public Acts of 1984, and section 9947 as added by Act No. 438 of the Public Acts of 1980, being sections 600.872, 600.880, 600.2529, 600.2546, 600.5756, 600.5757, 600.6536, 600.8306, 600.8371, 600.8381, 600.8420, and 600.9947 of the Michigan Compiled Laws, are amended and sections 151a, 875, 880a, 880b, 880c, 880d, 1485, and 2538 are added to read as follows:

Sec. 151a. (1) The state court fund is created in the state treasury. The money in the fund shall be used as provided in this section.

(2) The state treasurer shall credit to the state court fund deposits of proceeds from the collection of revenue from court fees as provided in this act, and shall credit all income from investment credited to the fund by the state treasurer. The state treasurer may invest money in the fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit to the fund all income earned as a result of an investment of money in the fund. The unencumbered balance remaining in the fund at the end of a fiscal year shall remain in the fund and shall not revert to the general fund.

(3) In the state fiscal year beginning October 1, 1993, the state treasurer shall distribute proceeds of the fund as follows:

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

(b) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), 44% of the balance of the fund.

(c) To the state court administrator for the operational expenses of trial courts that receive appropriations to implement sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, and 9943, 28% of the balance of the fund.

(d) For indigent civil legal assistance to be distributed under section 1485, and to the state court administrator for the operation of the court of appeals to alleviate the backlog in that court's caseload, 23% of the balance of the fund. Of the amount allocated under this subdivision, \$2,000,000.00 shall be allocated for the court of appeals and the remainder of the amount shall be allocated for indigent civil legal assistance.

(e) To the state court administrator for oversight, data collection, and court management assistance by the state court administrative office, 5% of the balance of the fund.

(4) In the state fiscal year beginning October 1, 1994, the state treasurer shall distribute proceeds of the fund as follows:

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

(b) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), 46% of the balance of the fund.

(c) To the state court administrator for the operational expenses of trial courts that receive appropriations to implement sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, and 9943, 26% of the balance of the fund.

(d) For indigent civil legal assistance to be distributed under section 1485, and to the state court administrator for the operation of the court of appeals to alleviate the backlog in that court's caseload, 23% of the balance of the fund. Of the amount allocated under this subdivision, \$2,000,000.00 shall be allocated for the court of appeals and the remainder of the amount shall be allocated for indigent civil legal assistance.

(e) To the state court administrator for oversight, data collection, and court management assistance by the state court administrative office, 5% of the balance of the fund.

(5) In the state fiscal year beginning October 1, 1995, the state treasurer shall distribute proceeds of the fund as follows:

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

(b) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), 47% of the balance of the fund.

(c) To the state court administrator for the operational expenses of trial courts that receive appropriations to implement sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, and 9943, 25% of the balance of the fund.

(d) For indigent civil legal assistance to be distributed under section 1485, and to the state court administrator for the operation of the court of appeals to alleviate the backlog in that court's caseload, 23% of the balance of the fund. Of the amount allocated under this subdivision, \$2,000,000.00 shall be allocated for the court of appeals and the remainder of the amount shall be allocated for indigent civil legal assistance.

(e) To the state court administrator for oversight, data collection, and court management assistance by the state court administrative office, 5% of the balance of the fund.

(6) In the state fiscal year beginning October 1, 1996, the state treasurer shall distribute proceeds of the fund as follows:

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

(b) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), 48% of the balance of the fund.

(c) To the state court administrator for the operational expenses of trial courts that receive appropriations to implement sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, and 9943, 24% of the balance of the fund.

(d) For indigent civil legal assistance to be distributed under section 1485, and to the state court administrator for the operation of the court of appeals to alleviate the backlog in that court's caseload, 23% of the balance of the fund. Of the amount allocated under this subdivision, \$2,000,000.00 shall be allocated for the court of appeals and the remainder of the amount shall be allocated for indigent civil legal assistance.

(e) To the state court administrator for oversight, data collection, and court management assistance by the state court administrative office, 5% of the balance of the fund.

(7) In the state fiscal year beginning October 1, 1997, and for each subsequent year, the state treasurer shall distribute proceeds of the fund as follows:

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

(b) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), 49% of the balance of the fund.

(c) To the state court administrator for the operational expenses of trial courts that receive appropriations to implement sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, and 9943, 23% of the balance of the fund.

(d) For indigent civil legal assistance to be distributed under section 1485, 23% of the balance of the fund.

(e) To the state court administrator for oversight, data collection, and court management assistance by the state court administrative office, 5% of the balance of the fund.

(8) Distributions of funds under this section shall be made every 3 months, except that in the first fiscal year following the effective date of the amendatory act that added this section, the first distribution may be made not later than 6 months after that effective date.

Sec. 872. (1) The probate 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.

(2) The probate 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.

Sec. 875. If the estate of a respondent, minor, legally incapacitated person, or protected person is sufficient, the probate court may charge the estate of the person an amount approved by the court, but not more than the actual cost of the services, for any of the following:

(a) Guardian ad litem appointed to represent the person.

(b) Counsel appointed to represent the person.

(c) Court ordered examination by a physician or mental health professional.

(d) Independent examination by a physician or mental health professional.

Sec. 880. (1) Except as otherwise provided in this section and section 880a, at the time of commencing a civil action or proceeding in the probate court, the party commencing the civil action or proceeding shall pay a filing fee to the probate court register. The amount of the filing fee is as follows:

(a) Beginning October 1, 1993 and until October 1, 1994, \$60.00.

(b) Beginning October 1, 1994 and until October 1, 1995, \$70.00.

(c) Beginning October 1, 1995 and until October 1, 1996, \$80.00.

(d) Beginning October 1, 1996 and until October 1, 1997, \$90.00.

(e) Beginning October 1, 1997, \$100.00.

(2) At the time of commencing a proceeding pursuant to section 102 of Act No. 288 of the Public Acts of 1939, being section 700.102 of the Michigan Compiled Laws, the party commencing the proceeding shall pay a \$25.00 filing fee to the probate court register.

(3) Except as otherwise provided by law, a fee shall not be charged for commencing a proceeding in probate court pursuant to 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 X11A of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

(4) A fee shall not be charged for filing an acknowledgment of paternity in probate court.

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

(6) The probate register, on or before the fifth day of the month following the month in which the 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 \$21.00 of each fee collected under subsection (1) to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, Act No. 214 of the Public Acts of 1992, being sections 38.2101 to 38.2604 of the Michigan Compiled Laws, and the balance of each fee collected under subsection (1) and all fees collected under subsection (2) to the state treasurer for deposit in the state court fund created by section 151a.

Sec. 880a. (1) Except as otherwise provided in this section and section 880, at the time of commencing a guardianship or limited guardianship proceeding in the probate court, the party commencing the proceeding shall pay a \$50.00 filing fee to the probate register.

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

(3) The probate register, 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 all fees collected to the state treasurer for deposit in the state court fund created by section 151a.

Sec. 880b. (1) Except as otherwise provided by law, after the commencement of a civil action or proceeding in the probate court, a party filing a motion, petition, account, objection, or claim shall pay a \$15.00 motion fee to the probate register.

(2) A fee shall not be charged under this section in a guardianship or limited guardianship proceeding if the moving party is the subject of the proceeding.

(3) A fee shall not be charged under this section in a 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.

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

(5) The probate register, 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 50% of each fee collected to the state treasurer for deposit in the state court fund created by section 151a, and shall deposit the remaining 50% of each fee in the county general fund for use exclusively for expenses of the probate court, to be first applied toward expenses in adult guardianship proceedings of the independent evaluations, legal counsel, and periodic review mandated by article 4 of the revised probate code, Act No. 642 of the Public Acts of 1978, being sections 700.401 to 700.499 of the Michigan Compiled Laws.

Sec. 880c. (1) Upon appeal from the probate court to the circuit court or court of appeals, the party bringing the appeal shall pay a \$25.00 fee to the probate court register.

(2) Upon registering a trust or depositing a will for safekeeping, the person registering the trust or depositing the will shall pay a \$25.00 fee to the probate court register.

(3) The probate court register, on or before the fifth day of the month following the month in which any fees are collected under this section, shall transmit all fees collected under this section during the previous month to the county treasurer. The county treasurer shall deposit all the fees in the county general fund for use exclusively for expenses of the probate court, to be first applied toward expenses in adult guardianship proceedings of the independent evaluations, legal counsel, and periodic review mandated by article 4 of the revised probate code, Act No. 642 of the Public Acts of 1978, being sections 700.401 to 700.499 of the Michigan Compiled Laws.

Sec. 880d. A judge of probate shall order that the payment of any fee required under this chapter be waived or suspended, in whole or in part, upon a showing by affidavit of indigency or inability to pay.

Sec. 1485. (1) The money in the state court fund created in section 151a that is designated for indigent civil legal assistance shall be expended as provided in this section.

(2) The money designated for indigent civil legal assistance shall be administered by the state court administrator upon the recommendation of the Michigan state bar foundation. Subject to the standards and requirements prescribed in this section, the Michigan state bar foundation annually shall receive bids for the awarding of contracts to service providers for the provision of those legal services and shall, subject to the approval of the state court administrator,

award the contracts. Upon approval of the contracts, the state treasurer shall distribute the entire amount available each fiscal year for indigent legal services as follows:

(a) To service providers pursuant to contracts, to be distributed according to the schedule, eligibility criteria, and fund distribution criteria set forth in this section.

(b) Subject to approval by the state court administrator, to the Michigan state bar foundation for reimbursement for performing its duties under this section, in an amount equal to 1% of the total amount distributed each year for indigent legal services, or \$40,000.00, whichever is greater.

(3) Except as provided in subsection (6), an organization that provides legal services within this state may bid to be awarded a contract under this section for the provision of legal services during the calendar year following the calendar year in which the bid is submitted. Except as provided in subsection (6), an applicant shall bid for a contract not later than November 1 of the calendar year immediately before the calendar year to which the contract applies. The application shall include all of the following:

(a) Evidence that the provision of legal services will be on a nonprofit basis.

(b) The proposed budget of the applicant for the funds for the calendar year to which the contract applies.

(c) A summary of the services to be offered by the applicant in the calendar year to which the contract applies.

(d) Evidence that the applicant provides a client grievance procedure to investigate any claim of discrimination, poor quality of service, or inappropriate denial of service.

(e) A specific description of the area to be served by the applicant.

(f) An estimate of the number of indigents to be served by the applicant during the calendar year for which financial assistance is requested.

(g) A general description of additional sources of funds available to the applicant.

(h) The amount of the applicant's total budget for the calendar year in which the application is filed and the amount that the applicant will expend in that calendar year for legal services to indigents in the area to be served by the applicant.

(i) A specific description of any services, programs, training, or legal technical assistance to be delivered by private attorneys or through programs using private attorneys including, but not limited to, reduced fee plans, judicare panels, and organized pro bono programs. The description shall include a detailed list of the conditions, if any, pursuant to which compensation will be provided to private attorneys for providing the services, programs, training, or legal technical assistance.

(j) A general description of the ability of the applicant to provide the legal services required by the contract, including the ability to provide any necessary training and supervision for persons providing those services, supported by any evidence of those abilities as the Michigan state bar foundation considers necessary.

(k) An explanation of the procedures to be used by the service providers to establish the legal services priorities described in subsection (8)(d).

(l) Any other information the Michigan state bar foundation considers necessary.

(4) Except as provided in subsection (6), and subject to the approval of the state court administrator under subsection (2), on or before December 15 of each calendar year, the Michigan state bar foundation shall notify each applicant that submitted a bid under subsection (3), in writing, whether the applicant has been awarded a contract under this section. If a contract is awarded, the Michigan state bar foundation shall estimate the amount that will be available for that applicant for each 3-month distribution period, as determined under subsection (5).

(5) The state court administrator shall allocate money under this section quarterly for distribution to service providers. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on January 1 of a calendar year to service providers and the state treasurer shall distribute the money to the service providers on or before January 15 of that calendar year. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on April 1 of a calendar year to service providers and the state treasurer shall distribute the money to the service providers on or before April 15 of that calendar year. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on July 1 of a calendar year to service providers and the state treasurer shall distribute the money to service providers on or before July 15 of that calendar year. Except as provided in subsection (6), the state court administrator shall allocate all money available for indigent legal assistance on October 1 of a calendar year to service providers and the state treasurer shall distribute the money to the service providers on or before October 15 of that calendar year.

(6) For the awarding of contracts for the provision of legal services during the calendar year 1994, the following special provisions apply:

(a) The period of provision of legal services shall be from July 1, 1994 to December 31, 1994, and the bids for those contracts shall be submitted not later than May 1, 1994.

(b) On or before June 15, 1994, the Michigan state bar foundation shall notify each applicant that submitted a bid for a contract for the provision of legal services, in writing, whether the applicant has been awarded a contract.

(c) The state court administrator shall allocate all money available for indigent legal services on July 1, 1994, to service providers and the state treasurer shall distribute the money to service providers on or before July 15, 1994.

(7) A service provider shall provide civil legal assistance to indigents under this section in compliance with the standards described in the standards for providers of civil legal services to the poor first approved by the American bar association delegates in August, 1986.

(8) The Michigan state bar foundation and the state court administrator, in awarding contracts, shall comply with all of the following:

(a) The contracts awarded, taken together, shall provide for indigent legal services to be provided in every area of the state, on a nonprofit basis.

(b) A contract shall provide that funds paid under a contract shall be expended only for the provision of civil legal services to indigent persons, as described in subsection (9).

(c) Contracts shall be awarded so that civil legal services are provided on a statewide basis for support and training for other service providers, civil legal services for persons who are Native Americans, and civil legal services for persons who are migrant agricultural workers. Ten percent of the total amount awarded under all contracts, taken together, shall be earmarked for services described in this subdivision.

(d) A contract shall require that a service provider shall have a procedure for determining priorities among the civil legal services needed by the indigent population in its service area, which procedure shall include obtaining regular input from those indigent persons as to those priorities. The priorities among legal needs shall include, at a minimum, legal services related to residential housing and domestic violence, except for legal services funded by contract awarded to meet the requirements of subdivision (c).

(e) A contract shall require that the service provider include the participation of the private bar, on a pro bono basis, in its provision of legal services.

(f) The amount of funding provided under any contract shall be proportional to the number of indigent persons residing in that service area, as a percentage of all indigent persons in the state, according to the most recent federal decennial census.

(9) A service provider that receives money under this section shall use the money for 1 or more of the following purposes:

(a) To defray the costs of providing legal services to indigents.

(b) To provide legal training and legal technical assistance to other eligible legal aid societies.

(c) If the service provider has entered into an agreement with a local bar association, a private attorney, or a group of private attorneys pursuant to subsection (15) and pursuant to the description and list of conditions set forth in the service provider's application under subsection (3)(i), to provide funds for the services, programs, training, and legal technical assistance provided by the local bar association, private attorney, or group of private attorneys.

(10) A service provider shall not use money received under this section to provide legal services in relation to any criminal case or proceeding or in relation to any fee-generating case.

(11) A service provider shall not do either of the following:

(a) Use money received under this section to provide legal services in relation to any lawsuit against the state of Michigan unless the claim against the state had been the subject of an administrative proceeding.

(b) Use money received under this section for cases that are not permissible under the legal services corporation act, title X of the economic opportunity act of 1964, Public Law 88-452, 42 U.S.C. 2996 to 2996f, and related regulations.

(12) In providing legal assistance to indigents, each service provider that receives money under this section shall ensure all of the following:

(a) That quality service and professional standards are maintained.

(b) That no person interferes with any attorney funded in whole or in part by this section in carrying out his or her professional responsibility to his or her client as established by the rules of professional responsibility.

(c) That the funds received pursuant to this section are expended only in accordance with this act.

(d) That client confidentiality is preserved.

(13) A service provider that receives money under this section shall file an annual report with the Michigan state bar foundation detailing the number and types of cases handled and the amount and types of legal training and legal technical assistance provided, by means of that money. The information contained in the report shall not identify or enable the identification of any person served by the service provider or in any other way breach client confidentiality.

(14) The Michigan state bar foundation, with the assistance of the state court administrator and the state treasurer shall make an annual report to the governor, the legislature, and the supreme court on the distribution and use of money

distributed under this section. The information contained in the report shall not identify or enable the identification of any person served by a service provider, or in any way breach client confidentiality.

(15) A service provider may enter into an agreement with a local bar association, a private attorney, or a group of private attorneys pursuant to which the bar association, private attorney, or group of private attorneys provide services, programs, training, or legal technical assistance for the service provider or to indigent persons.

(16) As used in this section:

(a) "Fee-generating case" means a case or matter that, if undertaken on behalf of an indigent by an attorney in private practice, reasonably would be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from the opposing party. A case shall not be considered a fee generating case if adequate representation is unavailable and if any of the following circumstances exist concerning the case:

(i) The service provider that represents an indigent in the case has determined that free referral is not possible for any of the following reasons:

(A) The case has been rejected by the local lawyer referral service or, if there is no such service, by 2 attorneys in private practice who have experience in the subject matter of the case.

(B) Neither the local lawyer referral service, if one exists, nor an attorney in private practice will consider the case without payment of a consultation fee.

(C) The case is of a type that an attorney in private practice in the area ordinarily does not accept or does not accept without initial payment of a fee.

(D) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(ii) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.

(iii) A court has appointed the service provider or its employee to represent the indigent in the case pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.

(iv) The case involves the right of a claim under a publicly supported benefit program for which entitlement is based on need.

(b) "Indigent" means either of the following:

(i) An individual whose income is not greater than 125% of the official poverty line established in the poverty guidelines issued by the secretary of health and human services under authority of section 673(2) of the community services block grant act, subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9902.

(ii) An organizational client or group of clients if 1 or more of the following apply:

(A) The client is composed of a minimum of 75% of persons eligible for legal assistance under this section.

(B) The client is organized for the purpose of furthering the interests of indigent persons.

(C) The client provides information showing it lacks and has no practical means of obtaining funds to retain private counsel.

Sec. 2529. (1) In the circuit court the following fees shall be paid to the clerk of the court:

(a) Before a civil action other than an action brought under section 2950 or 2950a is commenced, or before the filing of an application for superintending control or for an extraordinary writ, except the writ of habeas corpus, the party bringing the action or filing the application shall pay the sum of \$62.00. The clerk at the end of each month shall transmit for each fee collected under this subdivision within the month, \$18.75 to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled Laws; \$5.00 to the secretary of the Michigan legislative retirement system for deposit with the state treasurer in the retirement fund created by the Michigan legislative retirement system act, Act No. 261 of the Public Acts of 1957, as amended, being sections 38.1001 to 38.1060 of the Michigan Compiled Laws; \$5.25 to the state treasurer for deposit in the general fund; \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act, Act No. 260 of the Public Acts of 1988, being sections 691.1551 to 691.1564 of the Michigan Compiled Laws; \$11.00 to the county treasurer; and the balance of the filing fee to the state treasurer for deposit in the state court fund created by section 151a. Beginning October 1, 1994 and until October 1, 1995, the fee required under this subdivision is \$72.00. Beginning October 1, 1995 and until October 1, 1996, the fee required under this subdivision is \$80.00. Beginning October 1, 1996 and until October 1, 1997, the fee required under this subdivision is \$90.00. Beginning October 1, 1997, the fee required under this subdivision is \$100.00.

(b) Before the filing of a claim of appeal or motion for leave to appeal from the district court, probate court, a municipal court, or an administrative tribunal or agency, the sum of \$60.00. For each fee collected under this subdivision, the clerk shall transmit \$15.00 to the state treasurer for deposit in the state court fund created by section 151a. Beginning October 1, 1994 and until October 1, 1995, the fee required under this subdivision is \$70.00. Beginning October 1, 1995 and until October 1, 1996, the fee required under this subdivision is \$80.00. Beginning October 1, 1996 and until October 1, 1997, the fee required under this subdivision is \$90.00. Beginning October 1, 1997, the fee required under this subdivision is \$100.00.

(c) If a trial by jury is demanded, the party making the demand at the time shall pay the sum of \$60.00. Failure to pay the fee within the time provided in the court rules constitutes a waiver of the right to a jury trial. The sum shall be taxed in favor of the party paying the fee, in case the party recovers a judgment for costs.

(d) Before entry of a final judgment in an action for divorce or separate maintenance in which minor children are involved, or the entry of a final judgment in a child custody dispute submitted to the circuit court as an original action, 1 of the following sums, which shall be deposited by the county treasurer as provided in section 2530:

(i) If the matter was contested or uncontested and was not submitted to domestic relations mediation or investigation by the friend of the court, \$30.00.

(ii) If the matter was contested or uncontested and was submitted to domestic relations mediation, \$50.00.

(iii) If the matter was contested or uncontested and the office of the friend of the court conducted an investigation and made a recommendation to the court, \$70.00.

(e) Except as otherwise provided in this section, upon the filing of a motion, the sum of \$20.00. For each fee collected under this subdivision, the clerk shall transmit \$10.00 to the state treasurer for deposit in the state court fund created by section 151a.

(f) For services under the direction of the court that are not specifically provided for in this section relative to the receipt, safekeeping, or expending of money, or the purchasing, taking, or transferring of a security, or the collecting of interest on a security, the clerk shall receive the allowance and compensation from the parties as the court may consider just and shall direct by court order, after notice to the parties to be charged.

(g) Upon appeal to the court of appeals or the supreme court, the sum of \$25.00.

(h) The sum of \$15.00 as a service fee for each writ of garnishment, attachment, execution, or judgment of discovery subpoena issued.

(2) The sums paid as provided in this section shall be held to be in full for all clerk, entry, and judgment fees in an action from the commencement of the action to and including the issuance and return of the execution or other final process, and are taxable as costs.

(3) Except as otherwise provided in this section, the fees shall be paid over to the county treasurer as required by law.

(4) The court shall order any of the fees prescribed in this section waived or suspended, in whole or in part, upon a showing by affidavit of indigency or inability to pay.

(5) The clerk of the circuit court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by Act No. 234 of the Public Acts of 1992 at the same time the clerk of the circuit court transmits the portion of the fees collected under this section to the executive secretary.

Sec. 2538. (1) For services provided which are not reimbursable under the provisions of the federal social security act, title IV-D, every person required to make payments of support or maintenance to be collected by the friend of the court shall pay a fee of \$1.25 per month for every month or portion of a month that support or maintenance is required to be paid. The fee shall be paid monthly, quarterly, or semiannually as required by the friend of the court. The friend of the court shall provide notice to the person ordered to pay the support money of the fee required by this section and that the fee shall be paid monthly or as otherwise determined by the friend of the court. Except as provided in subsection (2), each fee collected shall be transmitted to the county treasurer. Of each fee collected, the county treasurer shall credit 25 cents to the general fund of the county, and shall transmit the balance to the state treasurer for deposit in the state court fund created in section 151a.

(2) In the third circuit court, each fee collected shall be transmitted to the state treasurer. The state treasurer shall deposit 25 cents in the general fund, and shall deposit the balance of each fee in the state court fund created in section 151a.

Sec. 2546. Except as otherwise provided by law, in the circuit court, district court, or probate court, for all certified copies, and exemplifications of records, pleadings and proceedings furnished on request, where no special provision is otherwise made, the fee is \$10.00 plus \$1.00 per page.

Sec. 5756. (1) If the complaint is for the recovery of possession of premises only, the fee for filing a proceeding under this chapter is \$32.00.

(2) If a claim for a money judgment is joined with a claim for the recovery of possession of premises, the plaintiff shall pay a supplemental filing fee in the same amount as established by law for the filing of a claim for a money judgment in the same court.

(3) Of each filing fee collected under this section, at the end of each month, the clerk of the district court shall transmit \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act, Act No. 260 of the Public Acts of 1988, being sections 691.1551 to 691.1564 of the Michigan Compiled Laws; \$9.00 to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled Laws; \$11.00 to the treasurer of the district control unit in which the action was commenced; and the balance to the state treasurer for deposit in the state court fund created by section 151a.

(4) At the end of each month, the clerk of the district court shall transmit each supplemental filing fee collected under this section in the same manner as a fee under section 8371 for the filing of a claim for money judgment for the same amount is transmitted.

(5) The clerk of the district court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by Act No. 234 of the Public Acts of 1992, at the same time the clerk of the district court transmits the portion of the fees collected under this section to the executive secretary.

Sec. 5757. A fee of \$15.00 shall be charged for each writ of restitution, garnishment, attachment, or execution and for each judgment debtor discovery subpoena issued.

Sec. 6536. In every appeal from a district, municipal, or common pleas court, the appellant shall pay to the clerk of the trial court the taxable costs of the prevailing party, together with \$25.00.

Sec. 8306. (1) Subject to the limitations of jurisdictional amount and venue otherwise applicable in the particular court, the district court and municipal courts shall have the same power with respect to attachment and garnishment as the circuit court.

(2) The conditions upon which relief is available under this section shall be the same as are applicable to actions in the circuit court under section 4001 with respect to attachment and under sections 4011 and 4012 with respect to garnishment.

(3) The district court and municipal courts may exercise the jurisdiction granted by this section only if action is taken in accordance with rules adopted by the supreme court to protect the parties.

(4) In the district court, except where service of a writ of garnishment is a prerequisite to the exercise of jurisdiction under the conditions prescribed in section 4011(3), all garnishment proceedings shall be treated as auxiliary actions to the principal action. The party commencing such a proceeding in the district court shall not be required to pay an additional filing fee or jury fee with respect to that garnishment proceeding. The clerk shall charge and collect a \$15.00 service fee for each writ of garnishment, attachment, or execution or for each judgment debtor discovery subpoena issued.

(5) Fees shall not be required with respect to attachment and garnishment except as otherwise provided by law.

Sec. 8371. (1) In the district court, the fees prescribed in this section shall be paid to the clerk of the court.

(2) Before a civil action is commenced in the district court, the party commencing the action shall pay to the clerk the sum of \$52.00 if the amount in controversy exceeds \$1,750.00. For each fee collected under this subsection, the clerk shall transmit \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act, Act No. 260 of the Public Acts of 1988, being sections 691.1551 to 691.1564 of the Michigan Compiled Laws; \$13.50 to the executive secretary of the judges retirement system; \$16.50 to the treasurer of the district control unit in which the action was commenced; and shall transmit the balance to the state treasurer for deposit in the state court fund created by section 151a.

(3) Before a civil action is commenced in the district court, the party commencing the action shall pay to the clerk the sum of \$32.00 if the amount in controversy exceeds \$600.00 but does not exceed \$1,750.00. For each fee collected under this subsection, the clerk shall transmit \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act, Act No. 260 of the Public Acts of 1988, being sections 691.1551 to 691.1564 of the Michigan Compiled Laws; \$9.00 to the executive secretary of the judges retirement system; \$11.00 to the treasurer of the district control unit in which the action was commenced; and shall transmit the balance to the state treasurer for deposit in the state court fund created by section 151a.

(4) Before a civil action is commenced in the district court, the party commencing the action shall pay to the clerk the sum of \$17.00 if the amount in controversy does not exceed \$600.00. For each fee collected under this subsection,

the clerk shall transmit \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act, Act No. 260 of the Public Acts of 1988, being sections 691.1551 to 691.1564 of the Michigan Compiled Laws; \$4.50 to the executive secretary of the judges retirement system; \$5.50 to the treasurer of the district control unit in which the action was commenced; and shall transmit the balance to the state treasurer for deposit in the state court fund created by section 151a.

(5) The judge shall order payment of any statutory fees waived or suspended, in whole or in part, upon a showing by affidavit of indigency or inability to pay.

(6) Neither this state nor a political subdivision of this state shall be required to pay a filing fee in a civil infraction action.

(7) Except for civil actions filed for relief under chapter 43, 57, or 84, if a civil action is filed for relief other than money damages, the filing fee shall be equal to the filing fee in actions for money damages in excess of \$1,750.00 as provided in subsection (2), and shall be transmitted in the same manner as a fee under subsection (2) is transmitted.

(8) If a trial by jury is demanded, the party making the demand at the time shall pay the sum of \$40.00. Failure to pay the fee within the time provided in the court rules constitutes a waiver of the right to a jury trial. The sum shall be taxed in favor of the party paying the fee, in case the party recovers a judgment for costs.

(9) The clerk of the district court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by Act No. 234 of the Public Acts of 1992 at the same time the clerk of the district court transmits the portion of the fees collected under this section to the executive secretary.

Sec. 8381. (1) When fines and costs are assessed by a magistrate, a traffic bureau, or a judge of the district court, not less than \$9.00 shall be assessed as costs and collected for each conviction or civil infraction determination and each guilty plea or civil infraction admission except for parking violations. Except as otherwise provided in this section, of the costs assessed and collected, for each conviction or civil infraction determination and each guilty plea or civil infraction admission, \$9.00 shall be paid to the clerk of the district court. The clerk of the district court, on or before the fifteenth day of the month in which costs are collected under this section, shall transmit 45 cents of the costs collected to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled Laws, and shall transmit \$8.55 of the costs collected to the state treasurer. Of each \$8.55 received, the state treasurer shall deposit 30 cents in the legislative retirement fund created by the Michigan legislative retirement system act, Act No. 261 of the Public Act of 1957, as amended, being sections 38.1001 to 38.1060 of the Michigan Compiled Laws; \$4.25 in the state general fund; and shall deposit the balance in the state court fund created by section 151a.

(2) The clerk of the district court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by Act No. 234 of the Public Acts of 1992 at the same time the clerk of the district court transmits the portion of the costs collected under this section to the executive secretary.

Sec. 8420. (1) A fee of \$17.00 shall be charged and collected for the filing of the affidavit for the commencement of any action in which the amount in controversy does not exceed \$600.00, and a fee of \$32.00 shall be charged and collected in any action in which the amount in controversy exceeds \$600.00. A fee in an amount equal to the prevailing postal rate for the service provided shall be charged and collected for each defendant to whom a copy of the affidavit is mailed by the clerk. A fee of \$15.00 shall be charged and collected for the issuance of a writ of execution, attachment, or garnishment, and for the issuance of a judgment debtor discovery subpoena. Except as otherwise provided in this chapter, a fee or charge shall not be collected by an officer for any service rendered under this chapter or for the taking of affidavits for use in connection with any action commenced under this chapter.

(2) Of each \$17.00 filing fee collected within the month, at the end of each month, the clerk shall transmit \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act, Act No. 260 of the Public Acts of 1988, being sections 691.1551 to 691.1564 of the Michigan Compiled Laws; \$4.50 to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled Laws; \$5.50 to the treasurer of the district control unit in which the action was commenced; and the balance to the state treasurer for deposit in the state court fund created in section 151a.

(3) Of each \$32.00 filing fee collected within the month, at the end of each month, the clerk shall transmit \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by Act No. 260 of the Public Acts of 1988; \$9.00 to the executive secretary of the judges retirement system; \$11.00 to the treasurer of the district control unit in which the action was commenced; and the balance to the state treasurer for deposit in the state court fund created in section 151a.

(4) If the affidavit and notice to appear and answer are served by personal service, the person serving the process is entitled to the same fee and mileage as for the service of a summons and complaint out of the district court.

(5) The clerk of the district court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by Act No. 234 of the Public Acts of 1992 at the same time the clerk of the district court transmits the portion of the fees collected under this section to the executive secretary.

Sec. 9947. (1) Except as otherwise provided in this act, the legislature shall appropriate sufficient funds in order to fund at least 31.5% of all trial court operational expenses, subject to the offset provisions of subsection (6), beginning with the state fiscal year that begins October 1, 1993. It is the intent of the legislature that the state will fund the highest percentage of trial court operational expenses, offset by an equivalent percentage of court revenues collected by counties or district control units, as available funds will allow, as determined by the legislature.

(2) As used in this section, "trial court operational expenses" means, for each trial court of record other than a court in a county in which a court receives state appropriations to implement section 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, or 9943, the sum of the following expenses for the 1990-91 fiscal year, as reported to the state court administrative office, excluding expenses reimbursed by federal friend of the court reimbursement:

(a) Employee compensation, including compensation for county clerk services to the circuit court, other than compensation for courtroom security.

(b) Operational and maintenance expenses other than expenses for facilities, utilities, telephones, and courtroom security.

(c) Assigned counsel provided for indigents accused of criminal offenses or ordinance violations, whether before or after conviction.

(d) Guardians ad litem for indigent persons.

(e) Compensation paid to jurors.

(f) Fees for transcripts that are prepared pursuant to court order.

(g) Expenses incurred as a result of the operating of a probation department.

(3) For purposes of subsection (2)(c), trial courts shall establish minimum standards which must be met by all attorneys serving as assigned counsel. Minimum standards shall be developed in consultation with a local or county bar association.

(4) If a trial court has not reported information on each of the items described in subsection (2) for the 1990-91 fiscal year, as required under subsection (2), the state court administrative office shall calculate the trial court operational expenses for that court based on the information received. A local funding unit may report additional 1990-91 fiscal year trial court operational expenses if the information on the expenses that has already been reported to the state court administrative office is incomplete or incorrect and the additional information is confirmed by an independent audit, paid for by the local funding unit and approved by the state court administrator. Information confirmed by an independent audit shall be included by the state court administrative office in its calculation of trial court operational expenses under this subsection.

(5) The state court administrative office shall monitor the trends in the ratio of trial court operational expenses to court revenues for each county and district control unit. In analyzing differences in the ratio of court operational expenses to court revenues for a county or district control unit from the ratio of expenses to court revenues based on expense data reported by that county or district control unit for 1990-91 and court revenue data reported by that county or district control unit for 1990-91, the state court administrator shall consider changes in fees impacting revenue generation, changes in court responsibilities impacting workload, statewide trends in expenses to revenue ratios, and increases in expenses due to inflation. Upon determining that the ratio of expenses to court revenues for a county and district control unit differs significantly from statewide trends, the state court administrator shall conduct a review of the budget and court management of the court or courts funded by that county or district control unit. The state court administrator shall then submit a report to the senate and house appropriations subcommittees on general government. In the following state fiscal year, the legislature may authorize adjustments to the funding from the state court fund created in section 151a for which those counties or district control units would otherwise be entitled pursuant to this section.

(6) The funds to which a county or district control unit is entitled under subsection (1) shall be offset by the sum of court revenues collected by that county or district control unit in the 1990-91 state fiscal year and any state funding in the 1990-91 fiscal year received by the county or district control unit for trial court operational expenses, including judges' salaries, Michigan friend of the court funds, and child care funds. The amount of the offset shall be equal to the percentage of trial court operational expenses funded for that county, or, in the case of a district of the third class, that district control unit. However, an offset under this subsection shall not reduce the funding to which the county or district control unit is entitled to less than zero.

(7) As used in this section, "court revenues" means all fees, fines, and court costs, except the following:

(a) Penal fines.

(b) Revenue dedicated to the state general fund.

(c) Revenue dedicated to a restricted state fund or state purpose.

(d) Revenue dedicated to a friend of the court fund.

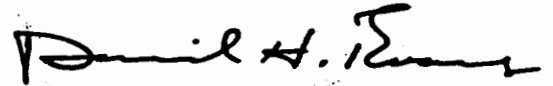
(8) A county or political subdivision shall receive funds under this section based on the trial court operational expenses of the courts in the county for which the county or a political subdivision of the county is responsible, by the portion of court revenues from those courts to which the county or political subdivision is entitled.

Section 2. Sections 2528, 2537, 8372, and 8373 of Act No. 236 of the Public Acts of 1961, being sections 600.2528, 600.2537, 600.8372, and 600.8373 of the Michigan Compiled Laws, are repealed.

Section 3. This amendatory act shall take effect October 1, 1993.

Section 4. This amendatory act shall not take effect unless House Bill No. 4842 of the 87th Legislature is enacted into law.

This act is ordered to take immediate effect.



Co-Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.

