

WEIRDER AND WACKIER

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FORMAT OF PRESENTATION

- We want this to be an interactive discussion because we learn from each other.
 - Ask questions
 - Share ideas

MSP LEIN Project

- How many courts have been contacted by MSP about having to provide copies of old MI and LII orders?
- Who has completed the project?
- Any insight or tips on the matter?
- One positive I noticed while working on the project is that we really cleaned up our list because there were many deceased individuals that we removed from LEIN.

LEIN – Quarterly Reports

- MSP can provide the Court with a quarterly LEIN report showing all entries that have been made for your court based on the ORI number.
- You can get this report by sending an email to MSP. (MSPLEINFSS@michigan.gov)
- You can then compare this report to a JIS report to ensure that all LII orders and MI orders are in LEIN.

Quarterly Reports - Continued

- MSP recently mentioned that those reports are available utilizing the CJIC Reporter application within the MICJIN portal.
- If you are interested in that, you can reach out to MSP to see about requirements for access and security.
 - MICJINMAIL@michigan.gov or (877)264 2546.

How to Run JIS Reports?

- Step One:
 - RPT PRO on NXT TRAN line

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NXT TRAN  P RPT  TYPE  PRO  CASE NBR  _____  REC NBR  ____
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- Step Two
 - One the Probate Report Selection Menu enter #1 as your selection. Hit enter twice.

How to Run JIS Reports?

- Step Three:
 - You should now be on the Report Generator Selection screen. This report will generate whatever information you want it to pull from JIS. You can limit it by case type, Judge, event type, event date, etc.

REPORT GENERATOR SELECTION

ENTER "S" TO SELECT "P" TO PRINT 1-9 TO SORT

	P	CASE TYPE	<u>MI</u>	P	CASE NUMBER		
H	<u> </u>	HDR JUDGE	<u> </u>	P	HDR NAME	<u> PUBLIC</u>	<u> </u>
E	<u> </u>	STATUS	<u> </u>	<u> </u>	CASE OPENED DATE	<u> </u>	<u>-</u> <u> </u>
A	<u> </u>	HEADER ATTORNEY	<u> </u>	<u> </u>	CASE CLOSED DATE	<u> </u>	<u>-</u> <u> </u>
D	<u> </u>	HDR MICROFILM #	<u> </u>	<u> </u>	OPTIONAL DATE	<u> </u>	<u>-</u> <u> </u>
E	<u> </u>	DISPOSITION CODE	<u> </u>	<u> </u>	DISPOSITION DATE	<u> </u>	<u>-</u> <u> </u>
R	<u> </u>	SOCIAL SECURITY NBR	<u> </u>	<u> </u>	REOPEN DATE	<u> </u>	<u>-</u> <u> </u>
	<u> </u>	ADDRESS	<u> </u>	<u> </u>	CITY	<u> </u>	
	<u> </u>	STATE	<u> </u>	<u> </u>	ZIP CODE	<u> </u>	
P	<u> </u>	COURT ACTIVITY	<u> </u>	<u> </u>	COURT ACTIVITY DATE	<u> </u>	<u>-</u> <u> </u>
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R	<u> </u>	QUALIFICATION KEY	<u> </u>	<u> </u>	QUALIFICATION DATE	<u> </u>	<u>-</u> <u> </u>
T	<u> </u>	PARTY TYPE	<u> </u>	<u> </u>	DUE DATE	<u> </u>	<u>-</u> <u> </u>
Y	<u> </u>	PARTY ATTORNEY	<u> </u>	<u> </u>	FIDUC LAST NAME	<u> </u>	
	<u> </u>	INVENTORY AMT	<u> </u>	<u> </u>	SURETY	<u> </u>	
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V	P	EVENT TYPE	<u>OHA</u>	P	EVENT DATE	<u>01012024</u>	<u>-</u> <u>09012024</u>
E	<u> </u>	EVENT JUDGE	<u> </u>	<u> </u>	DISPOSITION	<u> </u>	
N	<u> </u>	EVENT ATTORNEY	<u> </u>	<u> </u>	DISPOSITION DATE	<u> </u>	<u>-</u> <u> </u>
T	<u> </u>	EVENT MICROFILM #	<u> </u>	<u> </u>	REP/REC	<u> </u>	

F3=Exit

Mental Health Files - Voluntary

- How many counties receive a petition and one clinical cert from a hospital, along with a voluntary application?
 - Do you open a file at that point?
 - What if you receive a petition and two clinical certs, along with the voluntary application? Do you open and dismiss the case?
- Hospital has cited MCL 330.1406 as to why they are sending the paperwork to the Court.

Mental Health Files – Multiple Proceedings

- What would you do if you receive a new MI petition, but the individual is already on a current MI order?
 - See MCR 5.745 Multiple Proceedings

RULE 5.745 MULTIPLE PROCEEDINGS

- (A) New Proceedings Not Prohibited. The admission of an individual under the Mental Health Code may not be invalidated because the individual is already subject to a court order as a result of a prior admission proceeding.
- (B) Procedure. On being informed that an individual is subject to a previous court order, the court must:
 - (1) if it was the court issuing the previous order, dismiss the new proceeding and determine the proper disposition of the individual under its previous order or vacate the previous order and proceed under the new petition; or
 - (2) if the previous order was issued by another court, continue the new proceeding and issue an appropriate order. After entry of the order, the court with the new proceeding must consult with the court with the prior proceeding to determine if the best interests of the individual will be served by changing venue of the prior proceeding to the county where the new proceeding has been initiated. If not, the court with the new proceeding must transfer the matter to the other court.
- (C) Disposition. The court may treat a petition or certificate filed in connection with the more recent proceeding as “notification” under MCR 5.743 or 5.744 and proceed with disposition under those rules.

MCL 330.1170 – County Mental Health Transportation Panel

- MCL 330.1170 Allows a county board of commissioners to establish a county mental health transportation panel.

Name Changes

- In 2022, MSP introduced a new platform for obtaining the fingerprint results for a Name Change petition. SCAO provided a memo on the topic in October of 2022.
 - Criminal History Record Internet Subscription Service (CHRISS).
 - MSP-CHRISS@michigan.gov
- Have any Courts transitioned to using CHRISS? What has been your experience?

Name Changes

- Discussion: What do you do with the MSP Fingerprint results?
 - Destroy after order issued? Sealed envelope?

Public Administrator

- MCL 700.3203(1)(g) – After 63 days, the public administrator can be appointed in certain situations.
- MCL 700.3204(2) – Must be appointed in a formal proceeding and certain findings have to be made.
- They do not have to pay filing fees. MCL 600.880(4).
 - What about inventory fees?

Public Administrator

- What if the estate has real property with back taxes or is subject to mortgage foreclosure?
 - Please refer to MCL 700.3414(5) to learn more about the Public Administrator's responsibilities in this situation.
- How do you find the Public Administrator for your county?
 - The Michigan AG's Office maintains a list on their website.
<https://www.michigan.gov/ag>
 - [2024 AG Public Administrator List](#)

Public Administrator – More Reading 😊

- MCL 700.3306
- MCL 700.3403
- MCL 700.3614
- MCL 700.3705
- MCL 720.220

Distribution of Assets to Missing Heir

- MCL 700.3916 This statute addresses circumstances where a distribution to a missing heir, devisee, trust beneficiary, or claimant may be deposited with the County Treasurer.
 - Exception under MCL 700.3916(2) if the funds are for \$250 or less, then it can be distributed as part of the residue of the estate.

Distribution of Assets to Missing Heir

- Other heirs may petition to obtain the funds after three years. MCL 700.3917(3).
- Note: Your County Treasurer may ask about the funds that are being held.

Distribution of Assets – Estate Now Closed

- What happens to the funds on deposit?
 - MCL 700.3917
 - Estate is closed and assets are on deposit with the Treasurer's Office.
- Scenario: An interested person has now come forward and would like to claim their share of the assets, or the individual's whereabouts remain unknown, three years have passed, and other heirs would like to now claim the asset.
- Does a petition get filed in the closed estate or do they have to reopen the estate?

Petition for Complete Estate Settlement

- Authority: MCL 700.3402, 700.3952, MCR 5.310(C), (D), MCR 5.311(B), MCR 5.307(A)
- Form: PC 593
- When can this form be filed?
 - Claim period for creditors must have expired
 - Inventory fee must be paid
 - P.R. can file this form at any time OR
 - Interested party can file 1 year after the P.R's original appointment

Petition for Complete Estate Settlement

- What gets filed along with PC 593?
 - It depends on what they are asking for.
 - Review the petition closely to see if they are requesting approval of Schedule of Distributions (PC 596), approval of accounts, testacy/intestacy, or discharge from liability.

Petition for Complete Estate Settlement

- If P.R. is seeking to be discharged from liability, they would need to have filed all documents described in MCR 5.310(C) and (D), which includes
 - Inventory
 - All accounts
 - Notice of Appointment of Duties (PC 573)
 - Notice Regarding Attorney Fees (PC 576)
 - Notice to Spouse (PC 581)
 - Affidavit of Publication
 - Tax Information
 - Any other documentation previously ordered by the Court.

AK Files

- Michigan Vital Records holds the Affidavit of Parentage records from June 1, 1997 forward.
- Prior filings may be held by the Probate Court in the county where the mother resided at the time of signing or the county in which the child was born.

AK Files

- Copies of the Affidavit of Parentage records can only be obtained by certain eligible parties.
- See State of Michigan form.
 - Application to Obtain Copy of Affidavit of Parentage
 - Courts may want a written request for a copy to verify that the requestor is entitled to copy.
- What about SS#'s on the copies provided?

Vital Records – Request for Old Adoption Information

- What do you do if Vital Records of Michigan contacts your Court asking to verify old adoption information?
 - Old adoptions were processed differently. The original birth record may not have been sealed, so DHHS-Vital Records may need information from an old adoption to update their records.
 - Requests often come via email.

Vital Records – Request for Old Adoption Information

- Best Practice:
 - Call Michigan Vital Records Changes Unit at 517-335-8660 to confirm the request before providing information.
 - Some Courts may require a Petition for Adoption Information before verifying information to Vital Records.
 - See MCL 333.2829

Delayed Registration of Birth

- Delayed Registration of Birth is a filing that would come through Probate Court per MCL 333.2828 in a situation where there is inadequate or invalid information for the State of Michigan to create a birth record for an in-state birth. The petitioner can appeal the State Registrar's decision to the Probate Court.
- Delayed Registration of **Foreign Birth** is for a child who was adopted outside of the United States and the parties are seeking to have a Michigan birth record created. MCL 333.2830.

Delayed Registration of Birth

MCL 333.2828

- (1) If an applicant does not submit the minimum documentation required by rules for delayed registration of a birth or if the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, the state registrar shall not register the delayed certificate of birth and shall advise the applicant of the reasons for this action and of the applicant's **right of appeal to the probate court of the county of residence or birth.**

Delayed Registration of Birth

- First step may be for the individual to work with Vital Records
 - Changes Unit - FAQ's Delayed Registration of Birth
- What Next?
 - This information comes from Chippewa County's website.
<https://www.chippewacountymi.gov/pc-delayed-registration>
 - ML case \$175 filing fee
 - Paperwork to be received:
 - Petition for Order Establishing a Record of Birth – DCH 0739
 - Application to Establish Delayed Registration of Birth By Court Order – DCH 1031
 - Notice from State Registrar indicating No Birth Record is registered with the State of Michigan
 - Denial of Delayed Registration of Birth Application from State Registrar
 - Supporting documentation

Commissions to Take Testimony

- Commissions or Oath to Take Testimony
 - Applies when someone is living in your county and has to swear an oath at the Court because they are part of an estate in another state.
 - Authority
 - MCL 600.834 allows the Probate Register to administer oaths and take testimony.

Commissions to Take Testimony

- What is the Court's responsibility?
 - The person comes in with their estate paperwork from the other state.
 - The Probate Register reviews the paperwork and reads the person the Oath. They swear to it.
 - What is the oath? It should be specific to what the paperwork says that has been presented.
 - They must pay a small fee of \$7.00 that is receipted as "Miscellaneous."
 - Statute for fee: MCL 600.874(1)(b) and MCL 600.877.

Marriages Performed by Probate Judge

- A Probate Judge can perform a marriage anywhere in the state, not just the county they preside in.
 - MCL 551.7
- Fee needs to be paid.
 - MCL 600.874(1)(a)

Marriages & Minors

- HB 4294 (Public Act 121 of 2023): Establishes 18 as the minimum age of consent for marriage.
- HB 4295 (Public Act 122 of 2023): Prohibits secret marriages for anyone under the age of 18 years old.

State Boundary Commission

- Responsibilities of Probate Court
 - MCL 123.1005
 - Appoint members and alternate members to the State Boundary Commission for your county.
- How many people are regularly appointing members?

Uniform Power of Attorney Act

- MCL 556.401 took effect July 1, 2024
- There is now a standardized form.

Parental Appointment of Guardian

- MCL – 700.5202.
 - Applies when both parents are deceased or legally incapacitated, or
 - If surviving parent has no parental rights.
 - Appointment becomes effective when the nominated guardian files an Acceptance of Appointment
 - See also MCR 5.125(C)(20) regarding interested parties.

Parental Appointment of Guardian

- Process
 - Will must be probated in County with proper venue for decedent
 - Nominated guardian files a copy of the will, with the Order/Register's Statement showing that it has been probated, along with an Acceptance of Appointment, and the filing fee.
 - Some Courts may request a petition, which would be helpful in determining interested parties.
 - Court issues PC 653 Order and PC 633 Letters.
 - Mark on the Letters that the appointment was via will.

Parental Appointment of Guardian

- Venue
 - The nominated guardian should be filing in the county where the will is probated.
 - However, if the minor and guardian are in a different county, a Change of Venue can be pursued to move the file to the county where the guardian and minor reside.

Interested Party Residing in a Foreign Country

- Service on Consulate
 - MCL 700.1401(4)
 - MCR 5.125 (A)(2)

Questions & Comments?
