



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

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Date: December 3, 2019

To: District Court Administrators

From: Julia Norton, Collections Management Analyst

Re: Probation Oversight Fee on Transfer of Supervision Cases

Section 7-06 of the Manual for District Court Probation Officers was recently updated to revise the process for collecting payments on probation oversight fees when a case is transferred to another court for supervision.

The prior process allowed the supervising court to collect the probation oversight fee directly from the probationer and apply it directly to the probation oversight fee. This process did not comply with priority of payment, which requires 50 percent of any payment received on a defendant's case to be applied toward victim payments (which includes the crime victim's rights assessment and restitution). MCL 775.22.

As revised, when a probation case is transferred for supervision, the supervising court will no longer collect probation oversight payments. Instead, all payments for court-ordered financial obligations, including probation oversight, are made to the sentencing court. The sentencing court, as part of its order adjudicating the case, will assess the probation oversight fee. When the probationer makes a payment to the sentencing court, the court will receipt in the payment and apply it according to the priority of payment statute. MCL 775.22. When the line item for the probation oversight fees begins receiving payments, the sentencing court will forward the probation oversight payment to the supervising court. The supervising court will receipt the payment from the sentencing court the same way it processed a payment directly from a probationer. It is essential the sentencing and supervising courts provide accurate information to each other so the proper defendants are credited with payments.

For supervision cases that were established pursuant to the prior process, it is recommended that the sentencing court add the probation oversight fee to the case on its case management system and credit what the probationer has already paid to the supervising court. The probationer should be directed to make future payment to the sentencing court. If a payment is made at the supervising court, the supervising court should forward it to the sentencing court, so it may apply the payment in accordance with the priority of payment.

Sentencing courts that transfer cases for supervision should contact their case management system providers for information about establishing cash codes to assist in tracking supervision payments. Judicial Information Services (JIS) will be providing updated case management system instructions for tracking payments.

If you have additional questions, please contact trialcourtservices@courts.mi.gov.