

LOCAL COURT RULES
PROBATE COURTS

Allegan Probate

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Barry Probate

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Eaton Probate

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Genesee Probate

Rule: 2.119 Motion Practice

(A) Motion Certification by Attorney. The following certificate signed by the attorney of record or by the party *in propria persona* shall be attached to or incorporated in the motion and notice of hearing filed with the clerk:

I hereby certify that I have made personal contact with

_____ [name] on _____ [date], requesting concurrence in the relief sought with this motion and that concurrence has been denied, or that I have made reasonable and diligent attempts to contact counsel requesting concurrence in the relief sought with this motion.

(B) Proposed Orders. A proposed order must be attached to and served with the motion.

(C) Application. This rule applies to all motions filed in the circuit court and to motions filed in civil actions in the probate court.

Grand Traverse Probate

Rule 3.800 Notice for Court Appointed Special Advocates

In the interest of justice, the Court Appointed Special Advocate appointed to work for a child in any abuse and neglect case shall be afforded notice of any adoption hearing that may occur on behalf of the child.

Ingham Probate

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Kalamazoo Probate

Rule: 2.402 Facsimile Transmission of Documents

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Menominee Probate

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Oakland Probate

Rule: 2.402 Use of Communication Equipment

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 3.205 Prior and Subsequent Orders and Judgments Affecting Minors

(A) Venue. This rule applies whenever the prior and subsequent courts are Oakland County courts.

(B) Notice to Prior Court, Friend of the Court, Juvenile/Probate Register or Prosecuting Attorney.

(1) As used in this rule, "appropriate official" means the friend of the court, juvenile/probate register or Prosecuting Attorney, depending on the nature of the prior or subsequent action and the court involved.

(2) If a minor is known to be subject to the prior continuing jurisdiction of an Oakland County court, the plaintiff or other initiating party must file written notice of proceedings in the subsequent court with

(a) the clerk or register of the prior court, and

(b) the appropriate official of the prior court.

(3) The notice must be filed at least 21 days before the date set for hearing. If the fact of continuing jurisdiction is not then known, notice must be given immediately when it becomes known.

(4) The notice requirement of this subrule is not jurisdictional and does not preclude the subsequent court from entering interim orders before the expiration of the 21-day period, if required by the best interests of the minor.

(C) Prior Orders.

(1) Each provision of a prior order remains in effect until the provision is superseded, changed, or terminated by a subsequent order.

(2) A subsequent court must give due consideration to prior continuing orders of other courts, and may not enter orders contrary to or inconsistent with such orders, except as provided by law.

(D) Duties of Officials of Prior and Subsequent Courts.

(1) Upon receipt of the notice required by subrule (B), the appropriate official of the prior court

(a) must provide the assigned judge of the subsequent court with the docket sheet;

(b) may appear in person at proceedings in the subsequent court, as the welfare of the minor and the interests of justice require.

(2) The appropriate official of the prior court shall furnish documents upon request of the subsequent court.

(3) Upon request of the prior court, the appropriate official of the subsequent court

(a) must notify the appropriate official of the prior court of all proceedings in the subsequent court, and

(b) must send copies of all orders entered in the subsequent court to the attention of the clerk or register and the appropriate official of the prior court.

(4) If a circuit court awards custody of a minor pursuant to MCL 722.26b, the clerk of the circuit court must send a copy of the judgment or order of disposition to the probate court that has prior or continuing jurisdiction of the minor as a result of the guardianship proceedings, regardless of whether there is a request.

(5) Upon receipt of an order from the subsequent court, the appropriate official of the prior court must take the steps necessary to implement the order

in the prior court.

Rule: 5.503 Adjournments in the Estates Division

[Local Rule 5.503 is rescinded effective October 24, 2012]

Oscoda Probate

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

St. Joseph Probate

Rule: 2.402 Use of Facsimile Communication Equipment for Purposes of Filing Court Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Wayne Probate

Rule: 5.101 Mandatory Filing by E-mail by Attorneys

(A) Scope and Applicability. This local court rule applies to all filings by attorneys in the Wayne County Probate Court.

(B) Mandatory Filing via Electronic Mail. Attorneys are required to file all items via e-mail in a single .pdf attachment for each filing. Multiple .pdf attachments can be submitted in one e-mail.

(C) Exception for Original Wills.

(1) A scanned copy of an original will is to be submitted as part of the .pdf file for the case. The original will must be sent via mail, certified mail, or a delivery service to the court and received within 14 days of the date of filing via electronic mail. The court reserves the right to dismiss the case if the original will is not submitted within this period.

(2) An original will delivered by the custodian to the court pursuant to MCL 700.2516 where no case is being opened must be sent by mail, certified mail, or a delivery service to the court.

(D) Filing Instructions. Details regarding the electronic filing and payment protocols will be posted on the court's home page, including an e-mail address and phone number for questions and resolving issues related to this process.

(E) Request for Exemption.

(1) Upon request, an attorney who has a disability that prevents or limits his or her ability to use electronic mail is exempt from filing via electronic mail without the need to demonstrate good cause.

(2) All other requests for an exemption must be filed with the court and shall be granted if the attorney can demonstrate good cause. There is no fee for the request. The request must specify the reasons that prevent the attorney from filing electronically. The attorney may file supporting documents along with the request for the court's consideration. The court shall consider the following factors in determining whether the party has demonstrated good cause:

(i) Whether the attorney has a lack of reliable access to an electronic device that includes access to the Internet;

(ii) Whether the attorney must travel an unreasonable distance to access a public computer or has limited access to transportation and is unable to access an electronic mail system from home;

(iii) Whether the attorney has the technical ability to use and understand e-mail;

(iv) Whether access from a home computer system or the ability to gain access at a public computer terminal present a safety issue for the attorney;

(v) Any other relevant factor raised by the attorney.

(3) A judge must review the request and any supporting documentation and issue an order granting or denying the request within two business days of the date the request was filed. The court must promptly e-mail or mail the order to the attorney. The court must place the request, any supporting documentation, and the order in its records, which must be maintained in a group file.

(F) Expiration Date. This local court rule will expire upon the entry of a local administrative order by the State Court Administrative Office designating the Wayne County Probate Court Phase Four of its plan to return to full capacity.