

# 2020 ANNUAL REPORT



## KENT COUNTY PROBATE COURT



*Hon. David M. Murkowski*  
*Chief Probate Judge*

*Avery D. Rose*  
*Probate Register*



STATE OF MICHIGAN  
KENT COUNTY PROBATE COURT

DAVID M. MURKOWSKI  
CHIEF JUDGE

SUITE 9500 C  
180 OTTAWA AVENUE NW  
GRAND RAPIDS, MICHIGAN 49503-2751

To the Citizens of Kent County:

On behalf of the administrators and employees of the Kent County Probate Court, I am proud to submit for your review our annual report for 2020. The report contains pertinent information regarding the jurisdiction, responsibilities, performance and achievements of the Probate Court. With this report, we take the opportunity to examine our collective work in the last year and to identify our needs and plan our strategic goals for the next year.

Our successes and accomplishments are rooted in our skilled and dedicated employees who continue to maintain, improve, and deliver quality services to the public in the face of continued docket growth and limited resources.

In March of 2020 with the advent of the COVID-19 pandemic, the way the court had conducted business for almost 200 years came to a jarring and abrupt halt. We as a court quickly responded. For the safety of the public and staff, the court closed its front counter and began accepting files through drop boxes and email. Court staff began working both remotely and onsite. To continue to advance the business of the Court, we turned again to technology. The Court obtained a Zoom video conferencing license through the Supreme Court, secured a dedicated Polycom system, and began streaming hearings on YouTube to provide public access to hearings. Additionally, the court armed all employees with laptops for remote work and retooled the Court website to provide comprehensive information, including court dockets and Registers of Action, to litigants and the public.

Confronted with the myriad challenges imposed by the pandemic, our probate court staff continued to deliver quality service in a timely fashion to you the public, and I remain most proud of every employee of the Probate Court.

It is an honor serving you as the Chief Judge of the Kent County Probate Court. We pledge our best effort to deliver services to you with both integrity and efficiency in a person-centered venue. I thank you, the citizens of Kent County, for your continued trust and confidence.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David M. Murkowski', written over a faint, larger version of the same signature.

David M. Murkowski  
Chief Judge, Kent County Probate Court

DMM/bms

## Mission Statement

*The mission of the Kent County Probate Court is to provide an accessible and person-centered venue to secure the peaceful and sound resolution of matters, where every individual is treated with dignity and respect.*

## Operational Goals

- To ensure the compliance of Court-appointed fiduciaries with statutes and court rules in order to safeguard protected individuals and their property;
- To efficiently process and adjudicate all matters before the Court;
- To provide excellent customer service to all those with business before the Court.



## Probate Court Authority

Article VI Section 15 of the Michigan Constitution provides that “the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law.” Through the promulgation of the Estates and Protected Individuals Code (EPIC), the Mental Health Code, and other acts, the legislature has conferred jurisdiction to the Probate Court over:

- Decedent Estate Proceedings
- Civil Actions
- Trust Proceedings
- Guardianships of Incapacitated Individuals
- Protective Orders
- Conservatorships of Adults and Minors
- Guardianships of Individuals with Developmental Disabilities
- Mental Health Treatment for Mentally Ill Individuals
- Drain Appeals

## Chief Probate Judge David M. Murkowski

Judge David M. Murkowski was born and raised in Milwaukee, Wisconsin. Judge Murkowski graduated from Marquette University High School in 1975, where he was elected senior class president. In 1979, he graduated cum laude from Marquette University where he was awarded the University’s Outstanding Student Service Award and the Polanki College Achievement Scholarship. In 1979, Judge Murkowski was also

inducted into the National Jesuit Honor Society. He attended Western Michigan University's Thomas M. Cooley Law School and was an honor roll graduate in 1983.

Judge Murkowski served as law clerk to the Michigan House of Representatives Civil Rights Committee, and worked as a solo practitioner in Grand Rapids until 1993 when he joined the law firm of Dilley & Dilley. There, he specialized in criminal defense, juvenile neglect and delinquency, and probate law. He served as managing partner of Dilley, Dilley, Murkowski & Goller until 2006, when he was appointed to the Kent County Probate bench to fill the vacancy created by the retirement of the Honorable Janet A. Haynes.



In December 2007, the Michigan Supreme Court appointed Judge Murkowski to serve as the Chief Judge of the Kent County Probate Court, commencing January 1, 2008. Judge Murkowski served as Council Member of the Probate and Estate Planning Section of the State Bar of Michigan and as the President of the Michigan Probate Judges Association (MPJA) in 2017 and is a current member of the Judicial Council of the Judicial Section of the State Bar of Michigan. He has previously served as a member of the Executive Committee of the Kent County Family and Children's Coordinating Council, and currently serves as Adjunct Assistant Professor in the College of Human Medicine at Michigan State University. Judge Murkowski has lectured for the Michigan Judicial Institute (MJi), ICLE's Probate and Estate Planning Institute, the American Geriatric Society (AGS), the

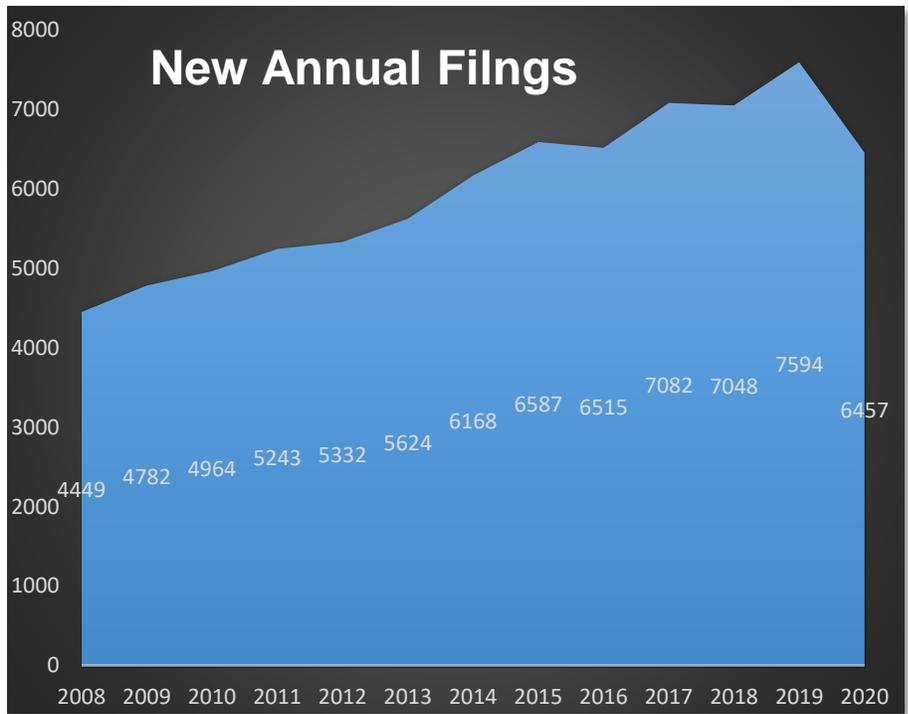
Michigan Probate Judges Association (MPJA), the Western Michigan Estate Planning Council, and the Grand Rapids Bar Association.

Judge Murkowski is a chapter author of Michigan Probate Litigation: A Guide to Contested Litigation, 2nd Ed., a contributor to the Michigan Probate Benchbook, associate editor of Inter-Com, a journal publication of the Michigan Probate Judges Association, and was a contributor to the drafting of the Michigan Trust Code. He currently serves on the Legislature Drafting Subcommittee of the Governor's Mental Health Task Force.

Judge Murkowski has received the Judicial Contributions in Law and Aging Award by Elder Law of Michigan, has been selected as a Leader in the Law by Michigan Lawyers Weekly, and was elected as a Fellow of the Michigan State Bar Foundation.

## **Probate Court Caseload and Caseflow**

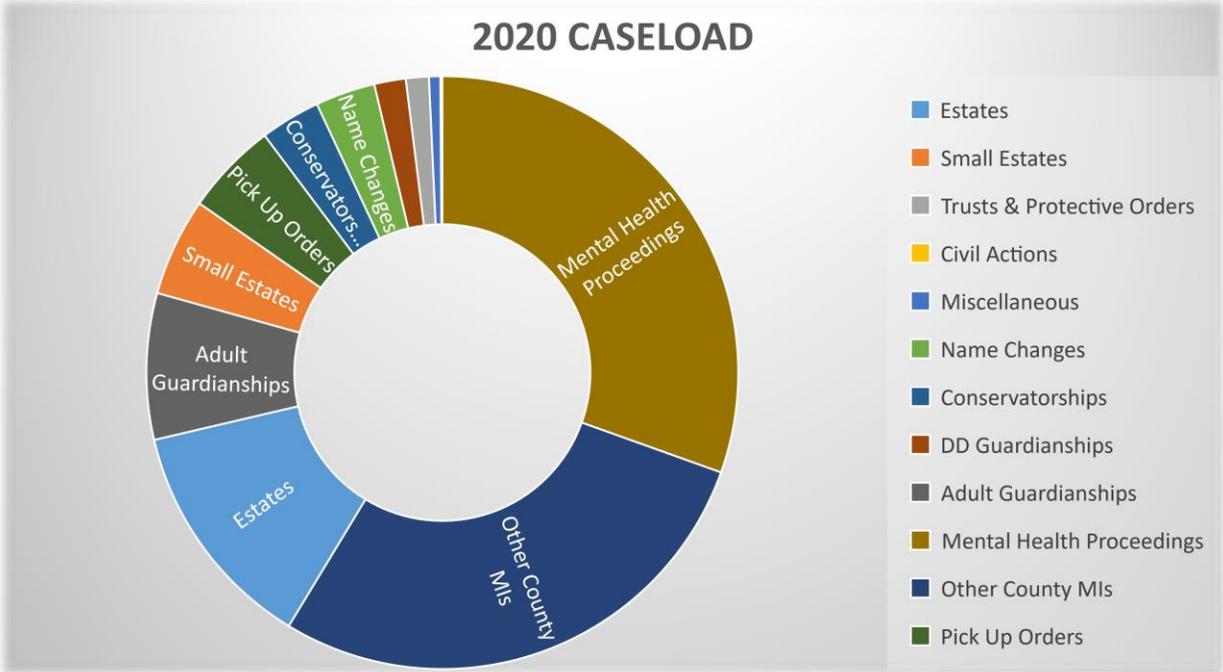
In 2020, the COVID-19 pandemic had a pronounced effect on the operations of all trial courts in the State of Michigan, including the Kent County Probate Court. The number of new filings in the Probate Court decreased slightly in 2020, and new filings totaled 89% of the Court's three-year average (7241). However, filings in the Kent County Probate Court increased by 40% over a ten-year period through 2019. As of May 1, 2021, the Court's new filing numbers were on track to match its total filings in 2019, which indicates that the overall upward trend of new filings is likely to continue.



### Caseload Trends

In 2020 there were a total of 6,457 new cases handled by the Probate Court, the majority of which were comprised of mental health proceedings (1,967), out-of-county mental health proceedings heard on assignment (1,822), deceased estates (818), adult guardianships (515), and small estates (345).

Most notably, in ten years, the number of adult guardianship cases handled by the Court increased 24%, and new mental health filings, including in-county and out-of-county proceedings, increased by 48%.

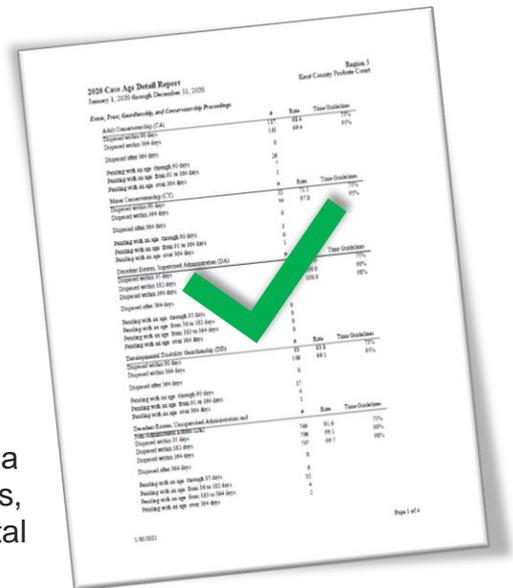


The nature of many probate cases is such that they often continue for many years. While administration of most estates of deceased persons is completed within one year, the

vast majority of guardianships and conservatorships for adults continue for the lifetime of the incapacitated or developmentally disabled individual. Thus, a fluctuation in the number of new filings does not necessarily result in a commensurate decline in the number of active matters requiring ongoing Court monitoring and supervision.

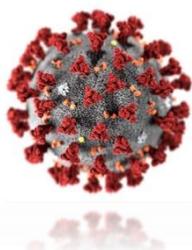
Active Cases	2016	2017	2018	2019	2020
Estates and Trusts	2,580	2,661	2,776	2,924	2,660
Guardianships – Legally Incapacitated	2,357	2,425	2,395	2,557	2,510
Guardianships – Minors	1,233	1,168	1,136	1,156	0
Guardianships – Developmentally Disabled	1,707	1,806	1,872	1,898	1,991
Conservatorships – Adults	863	883	850	851	878
Conservatorships – Minors	345	355	358	364	348
Mental Health Proceedings	2,196	2,277	2,101	2,137	1,987
Mentally Ill Cases for Other Counties	1,484	1,745	2,033	2,037	1,822
Civil and Other	1,529	1,627	1,970	1,617	2,927
<b>TOTALS</b>	<b>14,294</b>	<b>14,947</b>	<b>15,491</b>	<b>15,541</b>	<b>15,123</b>

Cases involving mental health treatment represent a significant portion of the docket of the Probate Court. Because Kent County has developed into a regional psychiatric treatment center, providing over 360 adult inpatient beds, residents of other counties are frequently hospitalized in Kent County and the Probate Court arranges for and conducts the necessary hearings for these individuals. This involves a significant commitment of judicial and staff time and resources. Over the last three years alone, the Court has handled an average of nearly 2,000 out-of-county mental health cases on assignment for other probate courts.



## Time Guidelines

In 2020 the Probate Court’s disposition rate exceeded a majority of the minimum time guidelines for guardianships, conservatorships, deceased estate matters and mental health proceedings.



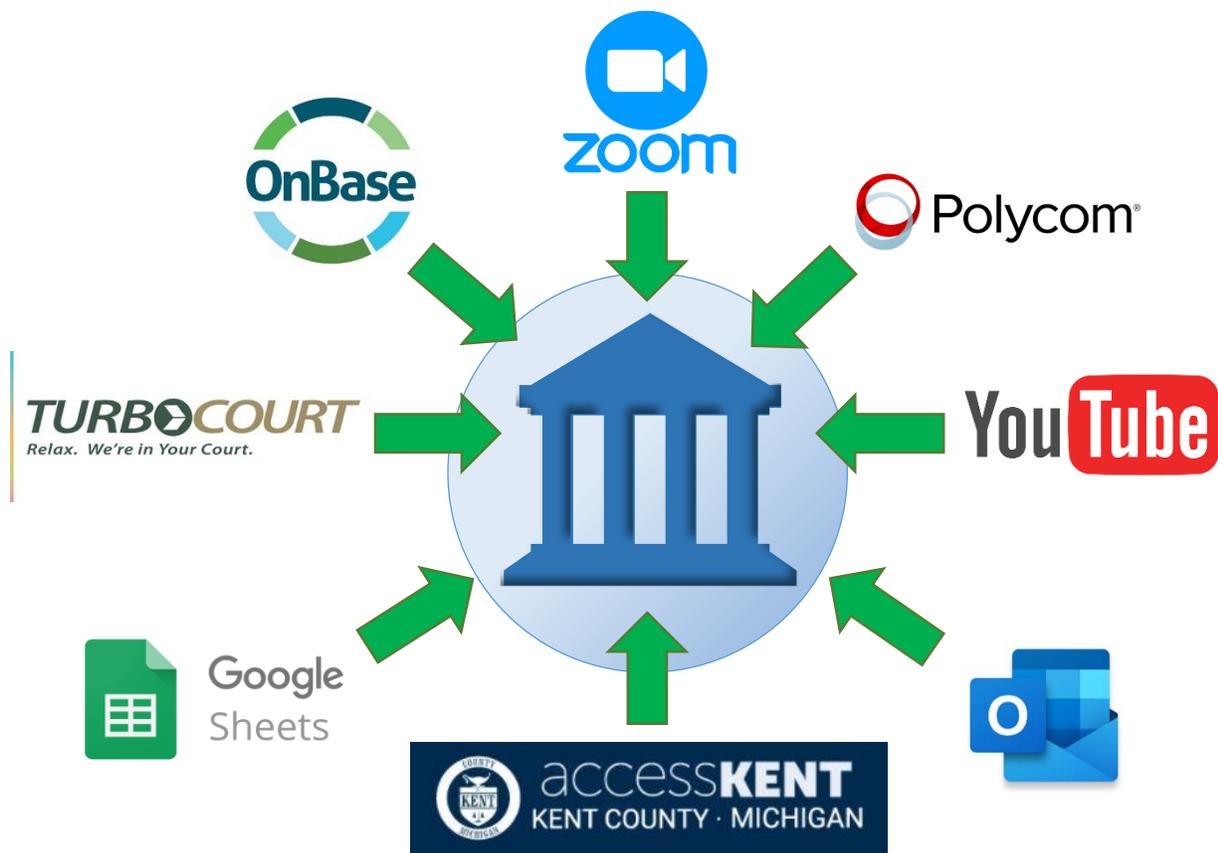
## Protective Measures During the COVID-19 Pandemic

In March of 2020, as emergency orders were issued in response to the COVID-19 pandemic, the Court closed its front counter and began accepting filings via email ([probatecourt@kentcountymi.gov](mailto:probatecourt@kentcountymi.gov)) and two

drop box locations in the courthouse. The Court scaled back operations for a short period of time, handling emergency guardianship, conservatorship, and mental health matters exclusively, while Court staff worked onsite for three days and remotely two days per week. Additionally, the Court began conducting all its hearings using Zoom videoconferencing, and began streaming hearings on YouTube to ensure public access. The Court also updated crucial areas of its website to reach and inform attorneys, litigants and members of the public regarding operational changes, filing and contact information, Zoom instructions, and forms. In the face of many limitations brought on by the pandemic, the Court continued to process and handle large quantities of emergency and routine filings in a timely fashion, thanks to the dedication, hard work, and creativity of Probate Court staff.

## 2020 Accomplishments

Throughout 2020 the Probate Court utilized more technological tools to serve the public and to accomplish its work as well.



- **Scheduling Hearings** – The Probate Court Clerk’s Office shifted from using a physical availability calendar to using a shared calendar in Microsoft Outlook for scheduling hearing dates.

- **Hearing Date Tool** – The Court added a judicial docket and hearing date search tool on its website (<https://www.accesskent.com/ProbateHearing/>).
- **Online Register of Actions** – The Court offered a register of actions search tool on its website, accessible with the name of a case or the file number (<https://www.accesskent.com/ProbateNameSearch/>).
- **Updated Forms Page** – The Court updated and expanded the forms page on its website, which includes the forms and instructions for filing a variety of matters (<https://www.accesskent.com/Courts/Probate/forms.htm>).
- **Online Informational Meetings** – Bi-monthly informational meetings for the public were shifted to Zoom, with online registration available on the Court’s website ([https://www.accesskent.com/Courts/Probate/informational\\_meetings.htm](https://www.accesskent.com/Courts/Probate/informational_meetings.htm)).
- **GAL Appointment Sheet** - The Court began using Google Docs to house an editable spreadsheet for guardian ad litem (GAL) appointments. The Google Sheet can be edited simultaneously by all of the clerks in the Probate Office and can be accessed by the Court’s GALs at any time.
- **Polycom in Courtroom 9C** - On September 4, 2020 a Polycom was installed in Courtroom 9C, with the help of the State Court Administrative Office, Facilities and County Information Technology. The Polycom has enabled Judge Murkowski to conduct hearings virtually and in-person Monday through Friday without the need to utilize County Polycom resources. The Polycom will allow the Court to conduct hearings in a hybrid format, with litigants attending in-person and by Zoom.
- **Zoom Hearings** - In 2020, the Chief Probate Judge and Probate Register conducted over 1,000 hours of hearings in Zoom.
- **New Probate Supervisor** - In November of 2020 the Court welcomed a new Deputy Register/Probate Supervisor, Aimee Cory, who was previously a Judicial Clerk for Judge Murkowski. Ms. Cory began working for the Court under Probate Judge Janet Haynes, and is an incredible asset to the Probate Court Clerk’s Office.



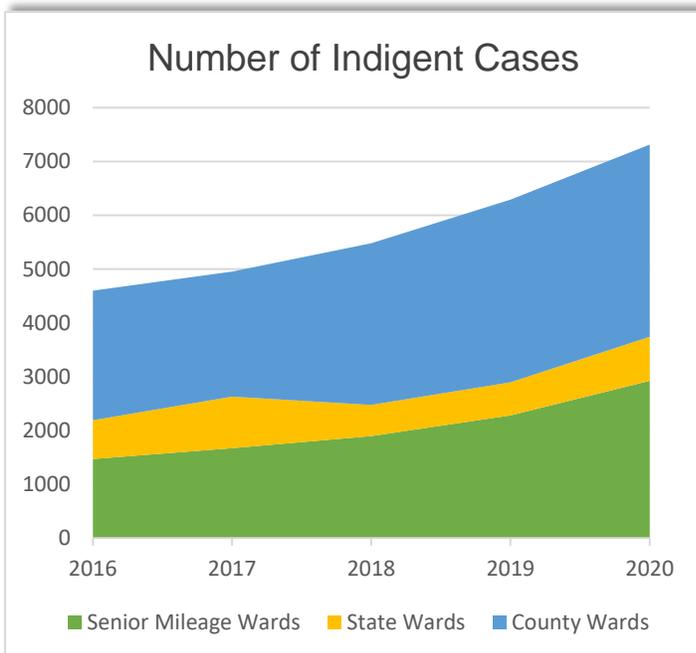
- **Filings Per Employee** - Probate Court staff handled an outstanding 448.4 new filings per full time employee.
- **TurboCourt for Adult Conservatorships Development** – With limited staff the Court devoted time in December of 2020 to creating TurboCourt for adult conservatorships. The Court relied on CARES Act funds through Kent County to build the system.

## The Kent County Guardianship Program

A large portion of the Court’s caseload involves guardianships and conservatorships for legally incapacitated adults and guardianships for developmentally disabled adults. In most of these cases, a family member or friend is appointed to act as guardian or conservator for the ward. However, when there are no family members or friends who are suitable and willing to serve, it is often in the ward’s best interest that a professional guardian be appointed. Kent County is extremely fortunate to have the



Kent County Guardianship Program, developed by the Kent County Department of Health & Human Services (DHHS) and Probate Court, to provide guardianship and conservatorship services for adult residents of Kent County who have no one else to serve them in a fiduciary capacity.



When a ward is indigent and has no other means to pay his or her guardian, the Program also covers the professional guardian’s monthly fee. Funding to pay for the Program came from four sources in 2020: **Kent County** (\$167,000), the **Kent County Senior Millage** (\$230,208), the **State of Michigan** (\$62,831) and **Mercy Health Saint Mary’s** and **Spectrum Health** (\$100,000, of which \$83,800 was used to cover the cost of the Guardian Monitor). In October of 2020, the Kent County Senior Millage increased its

contribution to the Program to \$233,060.

Demand for the Program continues to remain strong. In 2020 the Program received a total of 236 requests for public guardians. Since the fall of 2015 the Guardianship Program

has grown from managing an average of 383 indigent cases per month to managing an all-time high of 562 indigent cases per month in 2020. If the Program continues to expand assistance to indigent individuals at the current rate, it will require the means to provide monthly support for 825 indigent cases by the end of 2024. More broadly, an increased need for guardianship services is being driven by an aging population. This is demonstrated by the Probate Court's caseload numbers, which reflect that new adult guardianship cases in Kent County grew by 58% between 2010 and 2019. It is anticipated that the Program will continue to grow to meet the increasing demand for professional guardians of vulnerable adults in our community.

The Guardianship Program is grateful to Kent County, the Area Agency on Aging of Western Michigan, Mercy Health St. Mary's Hospital, Spectrum Health Hospital, and the State of Michigan for their support. The Program is also thankful to its Guardian Monitor, Kortney Post, and the 38 public guardians who perform outstanding work for the residents of Kent County.

## **Moving Forward**

Although 2020 was a challenging year, Probate Court staff worked tirelessly to serve the residents of Kent County and to ensure that the Court's services remained accessible to all. The Court is pleased with the progress it made during 2020 in handling a tremendous caseload, adopting changes to achieve greater efficiencies, and in utilizing new technologies to serve and meet the needs of the residents of Kent County. The Court aims to improve on these accomplishments next year and in the years to come.