

# 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 2021. 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.

The Kent County Probate Court accepted over 7000 new filings and conducted a record high 3722 hearings in 2021. New filings have increased 34% over a 10-year period and 61% since 2008. To address the burgeoning needs of our citizens, the Probate Court worked closely and collaboratively with the Kent County Board of Commissioners and the county administrator. After outside consultants evaluated the work and needs of the court, county approval was given to add two full time court clerk positions and convert two existing part time clerk positions to full time status. To further serve the public, the court provided the Turbo Court I-Filing System for conservatorships through the Access Kent website, offering users guided, interactive electronic filing capability. In addition, the court through Zoom conducted regular instructional meetings for members of the public who are serving as a guardian or conservator. In 2021, 165 citizens utilized this free tutorial service.

Notwithstanding the lingering effects of COVID-19, including persistent personnel shortages and the disruption of in-person hearings, 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,

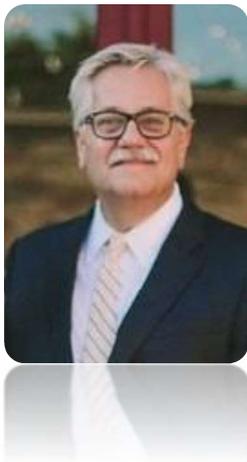
A handwritten signature in blue ink, appearing to read "David M. Murkowski", with a long horizontal flourish extending to the right.

David M. Murkowski  
Chief Judge, Kent County Probate Court

## 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 President of the Michigan Probate Judges Association (MPJA) in 2017 and is the Chair-Elect of the Judicial Council of the Judicial Section of the State Bar of Michigan. He served 6 years as Council Member of the Probate and Estate Planning Section of the State Bar of Michigan. Judge Murkowski 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, and has provided Crisis Intervention Training (CIT) for various law enforcement agencies.

Judge Murkowski was a contributor to the drafting of the Michigan Trust Code. He is a chapter author of Michigan Probate Litigation: A Guide to Contested Litigation, 2nd Ed., a contributor to the Michigan Probate Benchbook, and associate editor of Inter-Com, a journal publication of the Michigan Probate Judges Association. 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.

## Mission Statement

*The mission of the Kent County Probate Court is to provide an accessible and person-centered venue to secure the peaceful, sound, and efficient 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

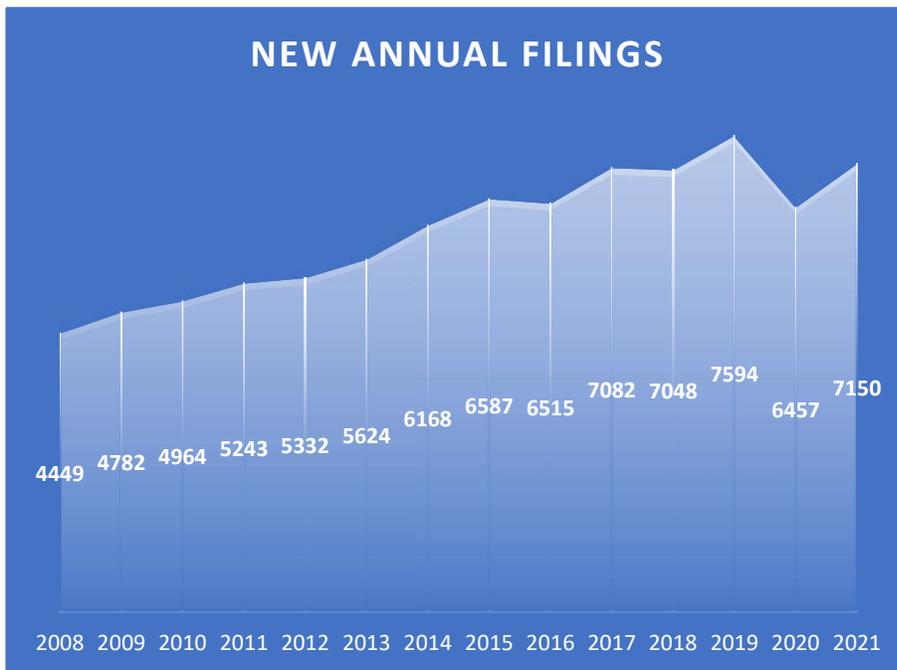
Article VI Section 15 of the Michigan Constitution provides that “the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law.” Through the promulgation of the Estates and Protected Individuals Code (EPIC), the Mental Health Code, and other acts, the legislature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

## Probate Court Caseload and Caseflow

The Kent County Probate Court's new filings in 2021 were its second highest on record, totaling 7,150. New filings in the Kent County Probate Court increased by 34% over a ten-year period, and 61% since 2008. As of May 1, 2022, the Court's new filing numbers indicate that the overall upward trend of new filings is likely to continue.

### Caseload Trends



A majority of new filings handled by the Kent County Probate Court were comprised of mental health proceedings (1,885), out-of-county mental health proceedings heard on assignment (1,661), deceased estates (1,072), adult guardianships (570), and small estates (425).

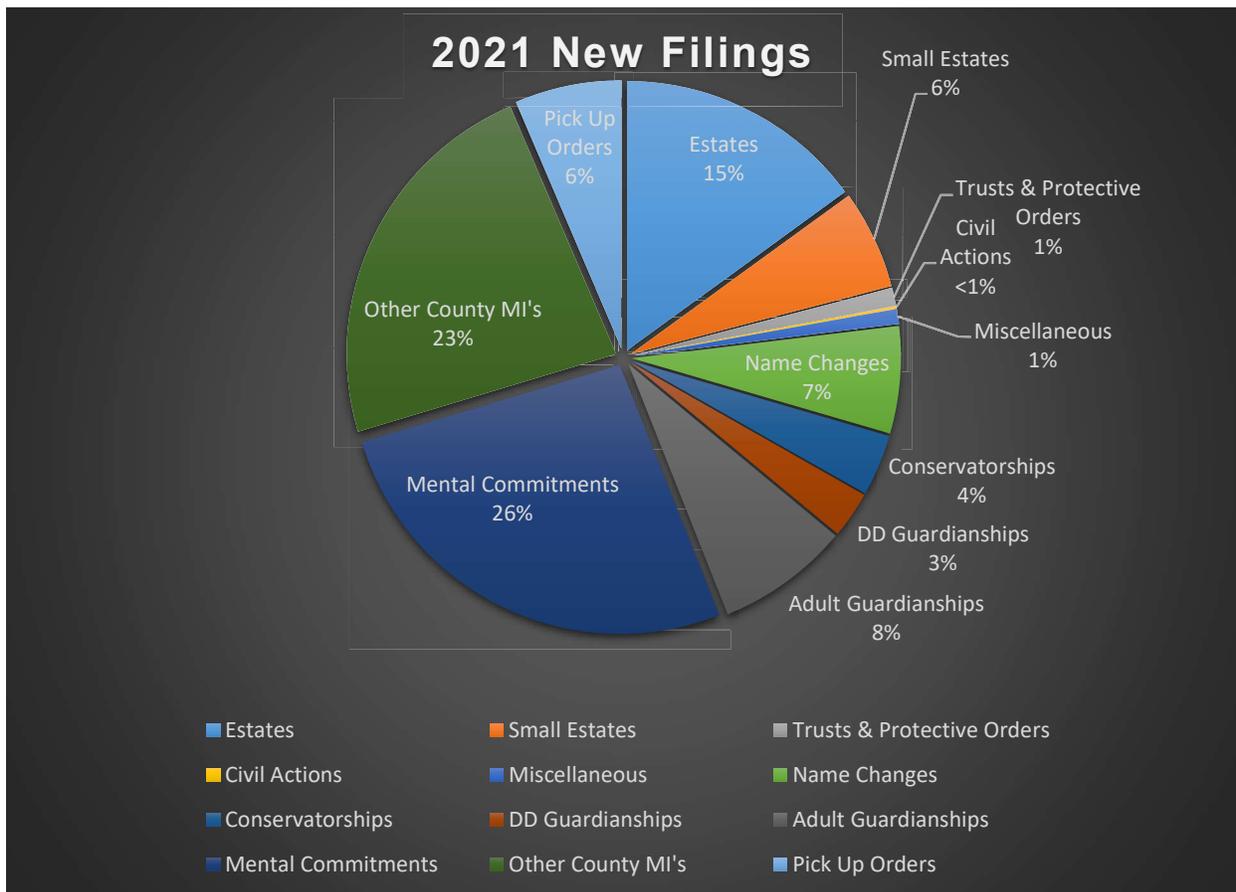
Most notably, in the last ten years, the number of new adult guardianship cases

handled by the Court increased 54%, conservatorships have increased by 40%, and guardianships for developmentally disabled individuals have increased by 45%. Within the last five years, new name change petitions have jumped by 97% and requests for mental health pickup orders have increased by 70%. In 2021 the Court received a record number of filings in the following categories: deceased estates, small estates, name changes, conservatorships, guardianships for developmentally disabled individuals and mental health pickup orders.

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 to two years, the vast majority of guardianships and conservatorships for adults continue for the lifetime of the incapacitated or developmentally disabled individual.

<b>Active Cases</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Estates and Trusts	2,580	2,661	2,776	2,924	2,660	2,817
Adult Guardianships (LII)	2,357	2,425	2,395	2,557	2,510	2,530
Guardianships – Minors	1,233	1,168	1,136	1,156	0	0
Guardianships – Dev. Disabled	1,707	1,806	1,872	1,898	1,991	2,032
Adult Conservatorships	863	883	850	851	878	891
Minor Conservatorships	345	355	358	364	348	328
Mental Health Proceedings	2,196	2,277	2,101	2,137	1,987	2,021
Mentally Ill Cases for Other Counties	1,484	1,745	2,033	2,037	1,822	1,661
Civil and Other	1,529	1,627	1,970	1,617	2,927	1,758
<b>TOTALS</b>	<b>14,294</b>	<b>14,947</b>	<b>15,491</b>	<b>15,541</b>	<b>15,123</b>	<b>14,038</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 more than 1,800 out-of-county mental health cases on assignment for other probate courts.



## 2021 Public Satisfaction Survey

The Kent County Probate Court has administered four public satisfaction surveys since 2015, as required by SCAO. A public satisfaction survey was administered in 2021 from Monday, November 15<sup>th</sup> through Friday, November 19<sup>th</sup>. The survey was conducted virtually, for the first time ever, and QR codes to access the survey were physically posted at the Probate Court Clerk's Office, the Judge's Courtroom, and virtually on Zoom.

The number of survey takers in 2021 was down considerably from prior years, possibly as a result of the new virtual format and lower foot traffic in the building, but the responses and overall feedback the Court received were overwhelmingly positive. The results showed that **86%** of respondents agreed or strongly agreed that they were able to get their court business done within a reasonable amount of time, **92%** of respondents felt that they were treated with courtesy and respect by court staff, and **83%** felt that the Judge or Register treated everyone with courtesy and respect. Here were some of the specific comments the Court received:

***"I find the Probate court staff to be knowledgeable and courteous."***

- Litigant

***"Everyone at the Kent County probate court ... is professional and courteous. Their high level of knowledge and commitment to the court make it a pleasure to work with them."***

- Interested person in a guardianship matter



***"I have been involved with several hearings this year, majority of these are complex. In needing direction with process, forms, education and time management, while being very ill for a long period of time, I felt at ease because someone from the Clerks, Registrar and Guardianship monitor always stepped in to assist immediately. I feel very supported and it gives me such a positive and proud outlook on how Kent County Probate Court operates."***

- Party to an estate case

***"[T]he Kent County Probate Court staff has been extremely accessible, helpful, patient, and polite. They have been very good about helping us get all our paperwork done correctly ... We live 90 minutes from the courthouse, and the ability to attend hearings remotely has saved us considerable time and expense."***

- Interested person in a guardianship/conservatorship

***"I attended the Zoom session Informational Meetings for Guardians of Adults and Conservators of Adults. It was very informative."***

- Agency worker



## Time Guidelines

The State Court Administrative Office (SCAO) has designated target disposition rates for each case type. Disposition rates measure the timeframe in which cases are resolved and are therefore a helpful metric for determining whether the Court is handling cases in a timely fashion. In 2021 the Probate Court's disposition rate exceeded all the minimum time guidelines for guardianships, conservatorships, deceased estate matters and mental health proceedings. The Court also had a 99% clearance rate for all newly filed and reopened cases.

## 2021 Accomplishments

In the midst of an ongoing pandemic, with many new staff members, the Court managed to handle one of its busiest years on record. The Court dedicated time and resources to improving its delivery of services to the public and providing a more accessible venue for Kent County residents.

- **TurboCourt for Adult Conservatorships** – TurboCourt for adult conservatorships was launched in the spring of 2021. TurboCourt offers guided interviews to assist filers with completing and filing court forms online, including:
  - Documents for initiating a conservatorship for an adult
  - Petitions to modify or terminate a conservatorship for an adult
  - Petitions regarding the sale of real estate
  - Petitions to transfer or use funds
  - Inventories
  - Annual Accounts, and
  - Other petitions and filings.

In 2021 the Court received 67 electronic filings for adult conservatorships.

- **Reopening of Probate Court Clerk's Office** – The front counter at the Probate Court Clerk's Office officially reopened for business on June 14, 2021, after being closed in March of 2020. The Clerk's Office has continued to accept emergency filings via email at [probatecourt@kentcountymi.gov](mailto:probatecourt@kentcountymi.gov).



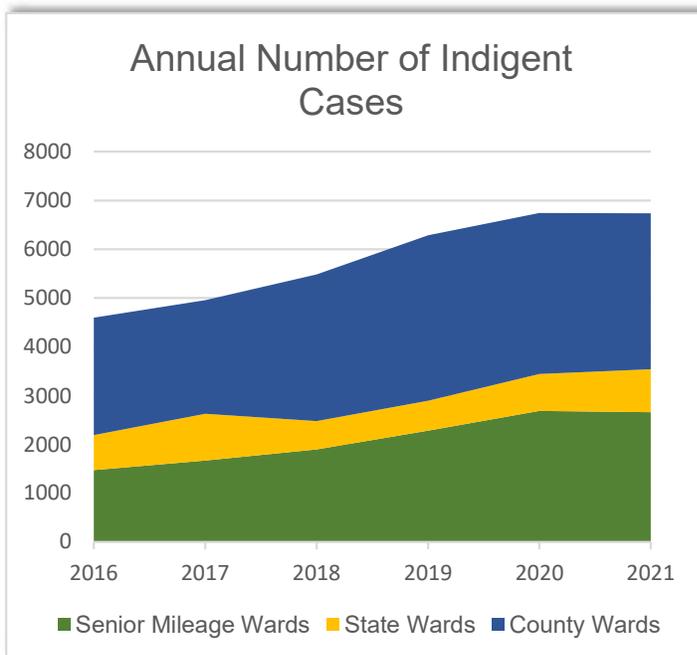
- **Plante Moran Staffing Study** – Probate Court staff worked with Kent County Human Resources and Plante Moran to conduct a staffing study at the Court. The study confirmed a staff shortage at the Probate Court and indicated that the Court’s caseload per full-time employee was 76 percent greater than the average of comparable counties (Oakland, Macomb, Genesee and Ingham Counties). As a result, the Plante Moran report the Kent County Probate Court added two full-time positions, and converted two part-time positions to full-time, starting in 2022.
- **Website Updates** – The Court continued to refine and add content to its website to assist litigants. Some of the changes and additions to the Probate Court website include:
  - Small Estates page, for deceased estates under the small estate threshold ([https://www.accesskent.com/Courts/Probate/distribution\\_petition.htm](https://www.accesskent.com/Courts/Probate/distribution_petition.htm))
  - Name Changes page, for county residents seeking a name change (<https://www.accesskent.com/Courts/Probate/namechange.htm>)
  - Fee schedule page, which contains a comprehensive list of statutory fees (<https://www.accesskent.com/Courts/Probate/fee-schedule.htm>)
  - Forms page, which includes links to the most commonly-used forms (<https://www.accesskent.com/Courts/Probate/forms.htm>)
- **New Manuals** – After years of work, the Guardianship Program Manual was reformatted and updated for the public guardians of the Kent County Guardianship Program. The Probate Office also released a manual for probate staff, containing information and checklists to assist with training and coverage. Both manuals are available in an online format for users, which allows for continuous improvement and instant updates.
- **Staff Meetings** – The Court began holding monthly staff meetings in March of 2021, to provide training, disseminate information about procedural and statutory updates, celebrate milestones, and provide a venue for staff discussion.
- **Online Informational Meetings** – Bi-monthly informational meetings for members of the public continue to be offered via Zoom, with online registration available on the Court’s website. In 2021 the Court held five informational sessions, for which 165 individuals registered.
- **Record Number of Hearings** - In 2021, the Chief Probate Judge and Probate Register conducted a record-high of 3,722 hearings. Since 2017 hearing numbers have increased by 11%.
- **Filings Per Employee** - Probate Court staff handled an outstanding 497 new filings per full time employee, which is 100 more filings per employee than staff handled one decade ago.

## 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 2021: **Kent County** (\$167,000), **the Kent County Senior Millage** (\$246,048), the **State of Michigan** (\$65,913) and **Mercy Health Saint Mary’s and Spectrum Health** (\$100,000, of which \$86,800 was used to cover the cost of the Guardian Monitor). In October of 2021, the Kent County Senior Millage increased its contribution to the Program to \$259,402. The Program also renegotiated new three-year funding agreements with the Mercy Health Saint Mary’s and Spectrum Health Hospitals, which increased their respective contributions from \$50,000 per year to \$75,000 per year.



Demand for the Program continues to remain strong. In 2021 the Program received a total of 264 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 561 indigent cases per month in 2021. If the Program continues to expand assistance to indigent individuals at the current rate, it will require the means to provide monthly support for 765 indigent cases by the end of 2025. More broadly, an increased need for guardianship services is being driven by an aging population. This is demonstrated by the Kent County

Probate Court’s caseload numbers, which reflect that new adult guardianship cases grew

by 51% over the last ten years. 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**

In 2021 the Court sought to build on previous improvements while handling a tremendous caseload. The Court used the challenges it faced and the feedback it received to learn valuable lessons, adopt improvements, drive efficiency in its internal processes, and to provide exceptional service to meet the needs of the residents of Kent County. The Court aims to improve on these accomplishments in 2022 and in the years to come.