JUDICIAL

OVERVIEW – 63RD DISTRICT COURT

The 63rd District Court is mandated by MCLA 600.8130(4). The Court is divided into two (2) electoral divisions (North/South) and the elected judge may preside in any community not represented by another district court.

ADJUDICATION AND DISPOSITION

The Court has divided its functions into three major areas – Adjudication of Civil Cases, Adjudication of Criminal Cases, and Civil Infractions. Certain administrative functions are necessary for the court to completely perform its mandated functions. Receiving and appropriately disbursing money associated with civil and criminal cases, and traffic and ordinance violations are, for the most part, mandated by statute. There are a few instances in which court costs may be levied but are optional, therefore some of the processing of fees may be considered necessary to support the decisions of the Court.

PROBATION

District Court Probation was established in February 1973 by the Board of Commissioners as an alternative to jail in an effort to eliminate overcrowding at the Kent County Correctional Facility. One of the primary functions of the Probation department is to supervise probationers to ensure that compliance with terms and conditions of the Court's order occurs. These terms and conditions include providing community-based sanctions such as house arrest, community service, drug testing and referrals to treatment agencies. Although these services are not mandated by state law, the Court relies heavily on these alternatives to jail.

63rd District Court

Function	Statute	Mandated					Non-Mandated							
		Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Adjudication and Disposition														
Adjudication of Civil Cases														
Perform civil marriage ceremonies	**Permitted by: MCL 551.7(1)(b)**	☐	☐	☐	☑	☐			☐	☑	☐	☐	☐	☐
Process general civil cases involving claims of $25,000 or less	**MCLA 600.8301**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Process landlord/tenant cases	**MCLA 600.5704**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Process small claims cases filed in court	**MCLA 600.8401**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Receive and disburse money associated with civil case processing	**MCLA 600.8371 MCLA 408.685 MCLA 60.5756**	☐	☑	☐	☐	☐			☑	☐	☐	☐	☐	☐
Adjudication of Criminal Cases														
Adjudicate misdemeanor cases	**MCLA 600.8311(a)**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Conduct misdemeanor and felony arraignments	**MCL 600.8511(b)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Conduct preliminary examinations in misdemeanor and felony cases	**MCLA 600.8311(d)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Issue arrest and search warrants	**MCL 600.8511(e) MCL 600.8511(g)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐

Function	Statute	Mandated					Non-Mandated							
		Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Set bail and accept bond payments	**MCL 600.8511(f)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Civil Infractions (Traffic and Ordinance Violations)														
Adjudicate civil infractions	**MCLA 257.741**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Process payments for tickets and fines associated with traffic and ordinance violations	**MCLA 600.8371 MCLA 257.907 MCLA 324.48740 MCLA 324.40119 MCLA 324.1609 MCLA 257.629e MCLA 600.8420 MCLA 600.8381**	☐	☐	☐	☑	☐			☑	☐	☐	☐	☐	☐
Administration														
Accounting and Finance														
Collect and account for restitution, court fees, and reimbursement		☐	☐	☐	☐	☐			☑	☐	☐	☐	☐	☐
Install and maintain a system of accounting		☐	☐	☐	☐	☐			☑	☐	☐	☐	☐	☐
Records														
Maintain software and records to report caseload, caseflow, and other data as required by the State Court Administrator's Office	**MCR 8.119**	☐	☐	☐	☐	☐			☐	☐	☐	☐	☐	☐
Probation														

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Administer house arrest programs		☐	☐	☐	☐	☐			☐	☑	☐	☑	☐	☐
Administer Probation program		☐	☐	☐	☐	☐		2-7-73	☐	☐	☑	☑	☐	☐
Collect assessed monies		☐	☐	☐	☐	☐			☑	☐	☑	☑	☐	☐
Conduct drug testing		☐	☐	☐	☐	☐			☐	☑	☐	☑	☐	☐
Make referrals to treatment program		☐	☐	☐	☐	☐			☐	☑	☑	☐	☐	☐

OVERVIEW – CIRCUIT COURT

The 17th Circuit Court is mandated by MCLA 600.518. Article 7, Section 13 of the Michigan Constitution states that the circuit court "shall have original jurisdiction in all matters not prohibited by law (and) appellate jurisdiction from all inferior courts. …" In addition, the court has established a family division as required by MCLA 300.1003, and oversees other related duties including the Circuit Court Services and the Office of Community Corrections.

CIRCUIT COURT - CRIMINAL AND NON-FAMILY CIVIL DIVISION

The Court's judicial activity can be generally divided into four categories: criminal, civil, appellate, and family. Certain administrative functions (receiving and disbursing funds associated with court rulings and procedures, providing for a case management system) are necessary for the Court to perform its mandated functions. In 2007, the legislature established that the Circuit Court may establish a jail population management plan to delegate judicial authority for reviewing sentencing and bonds to assist in averting jail overcrowding.

COURT SERVICES

Although Circuit Courts are not mandated to operate probation or diversion programs, the Court relies heavily on these alternatives to jail. Court Services was first created with grant funding to provide various services to the courts aimed at reducing jail overcrowding through either actual release or diversion of inmates from jail. Due to excessive crowding in the Kent County Correctional facility, the County was ordered by the court to implement a plan to reduce the number of inmate beds used at the jail. The County successfully implemented various programs administered by Court Services, including Pretrial Screening and Assessment, Pretrial Supervision, Diversion, and Community Service/Work Crew. Court Services plays a significant role supporting the management of jail beds by tracking and reporting pertinent data.

The Pretrial Screening and Assessment Program uses a screening and evaluation system to help judges determine the least restrictive bond level possible for each new criminal case entering the system. MCR 6.106 requires the Court to make a pretrial disposition of each defendant and establishes the options available to the Court: hold the defendant in custody, release the defendant on personal recognizance or unsecured appearance bond, or release the defendant conditionally with or without bond. Pretrial Screening was initiated by the County with grant funding. As the program demonstrated a cost benefit, the Board of Commissioners has over the years approved additional funding from County General Funds.

The Diversion Program was initiated in 1991 through a grant from the Office of Community Corrections. In 1992, the County Board approved continuation of this program under the direction of the Prosecutor's Office. In 1998, the Prosecuting Attorney transferred the management of the Diversion Program to the Court Services Department. The purpose of the program is to divert certain (generally first-time) non-violent offenders from prosecution.

Pretrial Supervision is offered to the Courts as a means of increasing the range of those eligible for release. The state provides funding for certain eligible defendants under Public Act 511 of

1989 (MCLA 791 et seq.) ("Community Corrections Act"). For those defendants not covered by this program, the Board of Commissioners has authorized the expenditure of County general funds for the program.

Drug and alcohol testing individuals is an option available to the court as a condition of release. As such, the administration of the tests by the pretrial supervision staff is discretionary. The use of a tether as a condition of release is a discretionary program funded using state grant money available under MCLA 791. For defendants not covered in the grant, the Board of Commissioners has authorized the expenditure of County general funds.

Court Services also focuses on convicted offenders. The Community Service Program provides work crew and regular non-profit agency based individual placement of both misdemeanor and felony offenders. The individual placement component of the program was originally started with general funds, but again, with the enactment of the Community Corrections Act, grant funds have been directed to expanding provision of services to eligible offenders, and general fund dollars have been directed to ineligible offenders.

The County first authorized the Work Crew component by approving a 50/50 grant match application. When the grant ended, the Board of Commissioners allocated general funds. As with the other programs of this department, Community Corrections grant funds have been directed to servicing non-violent felony offenders, and general fund dollars have been used to support ineligible offenders.

Data collection and analysis for this agency is significant and deserves mention. In addition to supporting the continuation of grant funding, and to ensure tracking of each case, some data collection is used to support the County's jail bed management system and to monitor felony "split sentence" cases for early release.

COMMUNITY CORRECTIONS

Counties are permitted, but not required, to create community-based programs to provide alternatives to incarceration. Kent County created the Community Corrections Advisory Board (CCAB) in March 1989 to oversee local programming and to allow the County to be eligible to receive State funding. The Board of Commissioners annually approves the Community Corrections Grant Application and Work Plan detailing the programs to be offered and the funding levels. Since the Plan, as approved by the County, states the County's decision to use contractors to operate most of the programs, monitoring of those contractors is considered necessary.

Maintenance and monitoring of the Jail Bed Allocation Plan is considered a discretionary activity of the Department. Kent County is eligible to receive reimbursement under the County Jail Reimbursement Program for felons diverted from prison and housed at the Correctional Facility. The Sheriff has designated Community Corrections as the billing agent for the program.

CIRCUIT COURT - PROBATION

Until 1979, Circuit Court Probation was a County function. PA 89 of 1979 allowed for the transfer of the probation function from the County to the State. Under the statute allowing the transfer, however, all rents, contracts, supplies, and materials being provided by the County at the time of the transfer remained the responsibility of the County.

CIRCUIT COURT - FAMILY DIVISION

Legislation enacted in 1996 mandated the creation of a family division within the circuit court, and assigned sole and exclusive jurisdiction for domestic relations cases handled by the circuit court and juvenile cases handled by the Juvenile Division of Probate Court to the Family Division of Circuit Court.

DELINQUENCY SERVICES

The Family Division administers a number of programs that provide options for the disposition of juvenile cases, ranging from probation to institutionalization to various counseling programs. Neither the Court, nor the County, is mandated to make available any specific programs, however, the Juvenile Code, MCLA 712A et seq., does state that the law, "… shall be liberally construed so that each juvenile coming within the court's jurisdiction receives the care, guidance and control, preferably in his or her own home, conducive to the juvenile's welfare and the best interest of the state. If a juvenile is removed from the control of his or her parents, the juvenile shall be placed in care as nearly as possible equivalent to the care that should have been given to the juvenile by his or her parents." The statute also defines a range of dispositions which the court may consider. These two sections, read in conjunction with each other, were viewed as a mandate for the availability of these services for the court.

DETENTION FACILITY

Counties are not mandated to operate a juvenile detention facility. Although Kent County has operated a juvenile detention facility since at least 1930, no formal documentation establishing the facility was located. The Board of Commissioners has, on several occasions, approved construction or additions to the facility. Specific care and custody functions and activities are defined by the courts and the State as a set of constantly evolving requirements including religious programs, educational programming, medical services, and provision of mental health assessment services.

In 2001, Kent County began operating "The Haven" adjacent to the Juvenile Detention Center. This twenty bed, staff-secure facility provides a short-term program for youth who are admitted to Detention but do not require the security level provided by Detention.

CHILD CARE FUND PROGRAMS

MCLA 400.70 requires the State to reimburse the County for 50 percent of the expenses of providing certain juvenile services involving out-of-home placement or alternatives designed to

prevent out-of-home placement. MCLA 400.117a defines a juvenile justice service as including "intake, detention, detention alternatives, probation, foster care, diagnostic evaluation and treatment, shelter care, or any other service approved by the State FIA…" The portion of the cost of these services which is not covered by the State is paid for by the County. The relationship of the County and the State, and what programs the County will provide and what the State will pay for, is formally stated and agreed to through the Child Care Fund Plan and Agreement, which is approved annually by the Board of Commissioners.

FRIEND OF THE COURT

The Office of the Friend of the Court (FOC) was created by PA 412 of 1919, (Friend of the Court Act) to "protect minor children and compel enforcement of chancery decrees where there are minor children in divorce cases… and to enforce the payment of amounts decreed them in a court of chancery...and to enforce all interlocutory and decretal orders." Since this office performs activities required of the states by the federal government, many of the state statutes incorporate the federal requirements. In some cases, such as custody and parenting time activities, the state statute includes activities not actually mandated by the federal government. For purposes of this report, the mandate was considered to be the State law, since it is the State that mandates the functions to the County.

MCL 552.513(1) also mandates that the Friend of the Court provide domestic relations mediation to assist in voluntarily settling a dispute regarding child custody or parenting time. However, the statute provides that the FOC may provide the service directly or from a private source. The Kent County FOC provides mediation as a direct service to meet this mandate and has done so for a number of years. As noted, the FOC also engages in evaluation and investigation and prepares written stipulations that are not mandated and are discretionary services but are presumed to result in cost-savings as a result of saved court and staff time as these can be processed/established with a certain degree of uniformity and quality.

In addition to the mandated functions, the FOC office also carries out a variety of discretionary services such as conducting alimony investigations and making recommendations pertaining to the findings of such investigations. Also, while the office is required to provide information on the system to families entering into it, the development of a formal, group orientation program as is offered as part of the Focus Program is considered discretionary.

With the approval of the Board of Commissioners, and resulting from a continued reduction and eventual elimination of grant funding, the FOC moved the medical support enforcement program into the IV-D budget in 2007.

Circuit Court

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Adjudication and Disposition														
Adjudication of Criminal Cases														
Accept payments and receive and disburse fees and bonds associated with criminal case processing	**MCLA 600.8311 MCLA 780.905 MCLA 12.206**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Jail Population Management Plan														
Maintain a jail bed allocation plan	**MCL 801.59(a)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Circuit Court Probation														
Support Services														
Provide office space and equipment for probation division	**MCLA 791.223a (5)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Community Corrections														
Community Corrections Board														
Annually prepare and administer a comprehensive community corrections plan		☐	☐	☐	☐	☐	4-22-99-55		☐	☐	☐	☐	☑	☐
Establish and maintain a Community Corrections Advisory Board to oversee program operations		☐	☐	☐	☐	☐		3-89-37	☐	☐	☐	☐	☑	☐
Jail Bed Management														
Monitor and Maintain the jail bed allocation and management plan		☐	☐	☐	☐	☐		8-90-131	☑	☐	☑	☐	☐	☐
Jail Reimbursement														
Administer program to reimburse the county for felons diverted from prison housed at Correctional Facility		☐	☐	☐	☐	☐			☐	☑	☐	☐	☑	☐
Prison Commitments														

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Implement a program which reduces the prison commitment rate for non-violent felons		☐	☐	☐	☐	☐	4-22-99-55		☐	☐	☐	☐	☑	☐
Sanctions														
Implement a program of community-based sanctions as an alternative to jail		☐	☐	☐	☐	☐	4-22-99-55		☐	☐	☐	☐	☑	☐
Subcontractors														
Solicit, select, and monitor community-based subcontractors to provide programs		☐	☐	☐	☐	☐			☑	☐	☐	☐	☑	☐
Court Services														
Community Service and Work Crew														
Administer Community Service Program		☐	☐	☐	☐	☐		12-3-80 8-90-131	☐	☐	☑	☐	☑	☐
Administer Work Crew Program		☐	☐	☐	☐	☐		8-88-88	☐	☐	☑	☐	☑	☐
Diversion														
Provide case management and supervision of offenders diverted from prosecution		☐	☐	☐	☐	☐		10-92-108	☐	☐	☑	☐	☐	☐
Pretrial Screening and Assessment														
Conduct pretrial screening and assessment	**MCR 6.106**	☐	☑	☐	☐	☐		1-2-80 10-81-210	☐	☐	☐	☐	☐	☐
Conduct pretrial tracking		☐	☐	☐	☐	☐		8-90-131	☐	☐	☑	☐	☑	☐
Pretrial Supervision														
Administer Supervised Release Programs		☐	☐	☐	☐	☐		12-3-80 8-90-131	☐	☐	☑	☐	☑	☐
Administer Tether Program		☐	☐	☐	☐	☐		6-13-96-94	☐	☐	☑	☐	☑	☐
Conduct drug testing		☐	☐	☐	☐	☐			☐	☑	☑	☐	☐	☐
Criminal and Non-Family Civil														
Board Participation														
Community Corrections Advisory Board		☐	☐	☐	☐	☐		3-89-37	☐	☐	☐	☐	☑	☐

Function	Mandated						Non-Mandated							
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				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Human Services Committee		☐	☐	☐	☐	☐		11-24-98-176	☐	☐	☑	☐	☐	☐
Jail Bed Allocation Committee		☐	☐	☐	☐	☐			☑	☐	☑	☐	☐	☐
Jury Commission	**MCLA 600.1301**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Kent County Family and Children's Coordinating Council		☐	☐	☐	☐	☐		10-27-94-136	☐	☐	☑	☐	☐	☐
Civil and Criminal Adjudication														
Adjudicate civil cases involving more than $25,000	**MCLA 600.605 Various and statutes and case law**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Adjudicate criminal cases involving a felony or certain serious misdemeanors	**MCLA 600.601 Various statutes and case law**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Hear appeals from lower courts, local government boards, and some administrative agencies of state government	**MCLA 600.615**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Criminal and Civil Case Management and Administration														
Administer indigent defense system	**MCLA 775.16**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Install and maintain a system of accounting and record keeping		☐	☐	☐	☐	☐			☑	☐	☑	☐	☐	☐
Maintain a law library	**MCLA 600.4851**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Family Division-Adjudication and Disposition														
Conduct intake, assessment, and disposition	**MCLA 600.1021(1)(e) MCLA 712.A.1**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐

Function	Mandated						Non-Mandated							
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				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Conduct preliminary hearings on delinquency and child protection cases	**MCLA 600.1021(1)(e) MCLA 712 A.1**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process and determine cases involving adoption	**MCLA 600.1021(1)(b) MCLA 710.70**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process and determine cases involving child protection	**MCLA 600.1021(1)(e) MCLA 712A.1**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process and determine cases involving divorce	**MCLA 600.1021(1)(a)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process and determine cases involving emancipation of minors	**MCLA 600.1021(1)(f) MCLA 722.1-6**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process and determine cases involving juvenile delinquency	**MCLA 600.1021(1)(e) MCLA 712.A.1**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process and determine cases involving juvenile traffic violation	**MCLA 600.1021(1)(e) MCLA 712A.1**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process and determine cases involving Personal Protection Orders	**MCLA 600.1021(1)(k)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐

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				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Process and determine cases involving support and parenting time	**MCLA 600.1021(1)(a)(v),(1x)&(x) MCLA 552.501 MCLA 600.1021(1)(g)&(h)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Accounting and Finance														
Collect and account for restitution, court fees, and reimbursement		☐	☐	☐	☐	☐			☑	☐	☑	☐	☐	☐
Install and maintain a system of accounting		☐	☐	☐	☐	☐			☑	☐	☑	☐	☐	☐
Family Division-Child Care Fund Programs														
Probation and Probation Programs														
Administer juvenile probation	**MCLA 712A.18(1)(b)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Services and Placement														
Administer Adolescent Sex Offender Program		☐	☐	☐	☐	☐	11-15-07-111		☐	☐	☑	☐	☑	☐
Administer Community Service Program		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Administer Crisis Intervention Program		☐	☐	☐	☐	☐	11-15-07-111		☐	☐	☑	☐	☑	☐
Provide for foster care	**MCLA 712A.18(1)(c)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Provide for institutional care	**MCLA 712A.18(1)(d)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Provide Parenting Education		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Provide shoplifting diversion program		☐	☐	☐	☐	☐			☐	☑	☑	☐	☐	☐

Function	Mandated						Non-Mandated							
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				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Provide tether/electronic monitoring		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Family Division-Detention Facility														
Administer system to obtain reimbursement for eligible wards		☐	☐	☐	☐	☐			☐	☑	☑	☐	☐	☐
Create and maintain records of juveniles		☐	☐	☐	☐	☐			☑	☐	☑	☐	☐	☐
Make available various services (religious, educational, medical, mental health, recreation) to juveniles housed in detention	**Various statutes and case law**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Operate facilities providing care and custody of juveniles		☐	☐	☐	☐	☐		9-22-94-127	☐	☐	☑	☐	☑	☐
Family Division-Friend of the Court														
Compile and transmit data to state court administrator	**MCLA 552.528**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Cashiering/Accounting														
Complete requests for statements of account	**MCLA 552.509(2)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Distribute funds on a monthly basis	**MCLA 552.509(1)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Process certifications and decertifications		☐	☐	☐	☐	☐			☑	☐	☑	☐	☑	☐
Process receivables on a monthly basis	**MCLA 552.509(1)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Reconcile accounts		☐	☐	☐	☐	☐			☑	☐	☑	☐	☑	☐
Education														
Provide information on FOC programs and services	**MCLA 552.505(1)(a) MCLA 552.517(a) et seq.**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Provide public speaking services and public relations programs		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Enforcement														
Collect current charges	**MCLA 552.509(1)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Initiate and carry out proceedings to enforce all custody, parenting time, and support orders	**MCLA 552.509(3)- in state MCLA 552.511(2) MCLA 552.1603 (out of state**	☐	☐	☑	☐	☐	7-26-01-92		☐	☐	☐	☐	☐	☐
Reconcile bench warrants to the lien validation report		☐	☐	☐	☐	☐			☑	☐	☑	☐	☑	☐
Focus Program														
Conduct orientations		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Provide communication and parenting skill classes		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Provide parent awareness programs		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Investigations														
Conduct alimony investigations and make recommendations		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Conduct post-judgment reviews of child support orders	**MCLA 552.517(1)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Investigate and make recommendations regarding support, custody, and parenting time	**MCLA 552.505(1)(d) MCLA 552.505(1)(e)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Prepare domestic relations stipulations and consent orders		☐	☐	☐	☐	☐			☑	☑	☑	☐	☑	☐
Mediation														

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Conduct settlement conferences prior to FOC referee scheduled hearing		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Do evaluation, conciliation, and investigation		☐	☐	☐	☐	☐			☐	☑	☑	☐	☑	☐
Prepare agreements	**MCLA 552.513(1)**	☐	☐	☑	☐	☐			☑	☐	☐	☐	☐	☐
Prepare written stipulations		☐	☐	☑	☐	☐			☑	☐	☐	☐	☐	☐
Provide mediation as requested	**MCLA 552.513(1)**	☐	☐	☑	☐	☐			☐	☐	☐	☐	☐	☐
Medical Support Enforcement														
Enforce support orders requiring dependent insurance coverage by the non-custodial parent	**MCLA 552.509(6)**	☐	☐	☑	☐	☐	12-17-98-189		☐	☐	☐	☐	☐	☐
Investigate eligibility for dependent insurance coverage by the non-custodial parent	**MCLA 552.517(1)(b)**	☐	☐	☑	☐	☐	7-26-01-93		☐	☐	☐	☐	☐	☐

OVERVIEW – COUNTY CLERK - CLERK OF THE COURT

Article 6, Section 14 of the Michigan Constitution requires that the County Clerk serve as the Clerk of the Court. The duties of the Clerk of the Court are divided into two major areas: Administration and Court Record Maintenance. Both of these areas include mandated duties.

The Clerk of the Court performs the clerical functions of the court. The Clerk of the Court is mandated to receive, process, file, and maintain all court files including juvenile and adoption documents according to the Michigan Rules of Court. This function also includes providing copies of files to members of the public, as requested. In addition, the Clerk of the Court has been given the duty to store and destroy case files and stenographer notes in accordance with the provisions of MCLA 600.2137.

The Clerk of the Court is also charged, by law, in the receiving of all fines, court costs, and victim restitution and distributes said monies in accordance with the law.

The Kent County Clerk of the Court may be appointed by the County Prosecutor to perform bond forfeiture actions, if the potential appointee is an attorney. The County Prosecutor has so appointed the Clerk of the Court in the past. However this appointment is entirely discretionary and the forfeiture function technically remains a function of the Prosecutor.

Two such functions have been deemed "necessary" for the purpose of this study because there are no specific statutory mandates for these functions. However, they are intrinsic to the proper and efficient administration of the court.

FUNDING SOURCES:
The functions of the Clerk of the Court are generally supported by the County's General Fund and through user fees.

Circuit Court Clerk

Function	Statute	Mandated					Non-Mandated							
		Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Clerk of the Court														
Administration														
Act as Clerk of Circuit Court	**MCLA 600.571(a)**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Appear for the County on bond forfeiture actions under special appointment of the County Prosecutor	**MCLA 765.28**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Collect all court-ordered assessments	**MCLA 600.571**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Maintain an account of all fees received and transfer all fees to County Treasurer's Office	**MCLA 600.571**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Maintain circuit Court computer file system		☐	☐	☐	☐	☐			☑	☐	☑	☐	☐	☐
Receipt, record, and disburse bail bond funds posted in criminal cases	**MCLA 765.13**	☐	☑	☐	☐	☐			☑	☐	☐	☐	☐	☐
Report amount owed to the State monthly to Treasurer's Office	**MCLA 600.571**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Court Record Maintenance														
Provide copies of files on request	**MCR 8.105**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Receive, process, file, and maintain all court files and documents	**MCR 8.105**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Store and destroy all case files and stenographer notes	**600.2137**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Submit required reports	**Various statutes**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐

OVERVIEW – PROBATE COURT

The Kent County Probate Court is mandated by the Constitution of Michigan of 1963, Article VI, Section 1, and by MCLA 600.803.

The Probate Court has exclusive jurisdiction over matters relating to: the estates of decedents; trusts; guardianships of developmentally disabled persons, legally incapacitated adults, and minors; conservatorships for legally incapacitated adults and minors; protective proceedings; accounts of other fiduciaries; and petitions for hospitalization of developmentally disabled or mentally ill persons. The Probate Court has concurrent jurisdiction of a myriad of other civil actions, in particular where an estate, trust, fiduciary or ward is a party.

The Probate Court also holds wills for safekeeping, issues secret marriage licenses, and adjudicates matters involving changes of name (which are statutorily within the exclusive jurisdiction of the Family Division of the Circuit Court, but in Kent County are handled by the Probate Court pursuant to the Family Court Plan established in 1997).

In addition to adjudication of the matters stated above, the Probate Court is required to appoint attorneys to represent all subjects of involuntary commitment petitions, all subjects of developmentally disabled guardianship petitions, those subjects of adult guardianship or conservator petitions who either request an attorney or contest the petition, and, when necessary, minors in connection with guardianships. The Probate Court is further required to appoint guardians ad litem to represent alleged incapacitated adults and, when necessary, developmentally disabled persons and minors. The Probate Court is also required to appoint physicians or mental health professionals to perform independent evaluations of alleged mentally ill, developmentally disabled or legally incapacitated individuals.

As it relates to funding, the Probate Court is statutorily required to assess fees that may be waived pursuant to exceptions within the law. For many functions provided by the Probate Court, the fee that is assessed is remitted to the State or only a portion of the fee is retained by the County. In some cases, where there are multiple court actions/filings, there may be subsequent fees that are assessed that may be retained by the County.

Probate Court

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Commitments under Mental Health Code														
Adjudicate petitions for hospitalization of mentally ill persons, emotionally disturbed minors, or persons with developmental disabilities	**MCLA 330.1452 MCLA 33.1498n MCLA 330.1515**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Conservatorships and Protective Proceedings														
Adjudicate matters pertaining to a guardianship of the person or estates of a developmentally disabled individual	**MCLA 330.1604**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Adjudicate matters relating to conservators for minors or legally incapacitated adults and minors	**MCLA 700.1302(1)c**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Provide oversight of appointed conservators through annual accounts and hearings on accounts and petitions	**MCLA 700.5416-5430 MCR 5.409**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Estates and Trusts														
Adjudicate all issues regarding trusts	**MCLA 700.1302b**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Process estates of deceased	**MCLA 700.1302(1)(a)**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Guardianships														
Adjudicate matters of developmentally disabled persons, legally incapacitated adults, and minors	**MCLA 330.1604**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Adjudicate matters that concern a guardianship of a minor (except as provided in MCLA 600.1021) or of an adult	**MCLA 700.1302(1) C MCLA 700.5204-5306**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Provide oversight of appointed guardians through annual reports, periodic reviews, and hearings on petitions	**MCLA 700.5207-5217 MCLA 700.5309 - 5314 MCR 5.409**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Indigent Representation/Protection														
Developmentally Disabled: Appoint attorneys to represent the subjects of petitions for individuals with an alleged developmental disability	**MCLA 330.1615**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Developmentally Disabled: Appoint guardian ad litem to represent the best interests of and individual with an alleged developmental disability in connection with a petition for appointment of a guardian	**MCLA 330.1616**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Developmentally Disabled: Appoint psychiatrist or psychologist to perform an independent evaluation of an individuals with an alleged developmental disability in connection with a petitions for appointment of a guardian	**MCLA 330.1617**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Legally Incapacitated: Appoint attorneys to represent alleged incapacitated individual	**MCLA 700.5305 MCLA 700.5210 MCR 5.408**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Legally Incapacitated: Appoint guardian ad litem to represent alleged incapacitated individual	**MCLA 700.5303 MCLA 700.5310 MCR 5.21 MCR 5.408**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Legally Incapacitated: Appoint physician or mental health professional to perform an independent evaluation of an alleged incapacitated individual	**MCLA 700.5304 MCLA 5310**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Mentally Ill: Appoint a physician, psychiatrist, or licensed psychologist to perform an independent clinical evaluation of an alleged mentally ill person in connection with a petition for involuntary hospitalization	**MCLA 300.1463 MCR 5.733**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Mentally Ill: Appoint an attorney to represent an alleged mentally ill person in connection with a petitions of involuntary hospitalization	**MCLA 330.1454 MCLA 330.1517 MCR 5.732**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Minors: Appoint a guardian ad-litem, attorney ad-litem, or attorney to represent a minor		☐	☐	☐	☐	☐			☑	☐	☑	☐	☐	☐
Minors: Appoint guardian ad-litem to represent parent who is unemancipated minor in connection with petition of appointment of limited guardian of minor's child	**MCR 5.404**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Marriages														
Exclusive jurisdiction to issue secret marriage licenses	**MCLA 551.201**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Name Changes														

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Cases involving changes of name are within the exclusive jurisdiction of the family division of the Circuit Court but are handled by the Probate Court	**MCLA 711.1**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Records														
Issue certified copies of records	**Various statutes**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐
Maintain software and other systems sufficient to enable prompt and accurate reporting of caseload, caseflow, and other statistical data to the Office of the State Court Administrator	**MCR 8.119**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Maintain the records of the Court forever in media readable to the human eye	**MCLA 700.1307 MCR 8.119**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Wills														
Hold wills for safekeeping	**MCLA 700.2515**	☐	☐	☐	☑	☐			☐	☐	☐	☐	☐	☐

OVERVIEW – PROSECUTOR'S OFFICE

The County Prosecutor is an elected office mandated by Article 7, Section 4 of the Michigan Constitution. The Prosecutor serves as attorney for the State or the County for prosecution of state law and county ordinance violation.

In addition to the functions and services in the attached table, the Prosecutor's Office maintains a detailed and extensive table of specific actions that are mandated (rather than the general activities listed in the table), which are too numerous to include with this summary report.

CRIMINAL AND CIVIL

The fundamental function of the Prosecutor's Office is to appear for the State or County in all criminal and civil prosecutions, suits, applications and motions in Circuit, District or Probate Court. The Prosecutor's Office also appears for the County and the State on all appeals.

In both adult and criminal juvenile offense cases, the Prosecutor is mandated to perform certain duties including keeping victims notified of events throughout the life of the case and informing them of their right to participate.

Recent passage of MCLA 28.421 et seq. (Public Act 381 of 2000) makes the Prosecutor's membership on the Concealed Weapons Advisory Board a discretionary function of the office. The current incumbent has chosen not to serve in this capacity.

FAMILY LAW DIVISION

The Prosecutor is required by law to represent indigent and non-indigent custodial parents in support and paternity proceedings. The conduct of these proceedings includes establishing paternity and result in setting child support, both of which are also contained in an agreement between the County and the State Family Independence Agency.

Prosecutor's Office

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Criminal and Civil														
Appearances														
Appear for the County and State on appeals	**MCLA 49.11 MCLA 49.153**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Appear for the County and the State in civil infractions and formal hearings before the District Court	**MCLA 600.8313**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Appear for the County and the State in criminal prosecutions	**MCLA 49.153**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Appear for the County and the State in matters involving juveniles	**MCLA 49.153**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Participate in presentation of cases for treatment or finding of mental incompetence	**MCLA 330.1457**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Provide arrest and disposition information on juvenile offenders to schools within the Kent Intermediate School District	**MCLA 380.1308**	☐	☑	☐	☐	☐			☐	☐	☐	☐	☐	☐
Represent the County in forfeiture actions		☐	☐	☐	☐	☐			☐	☑	☐	☐	☐	☑
Represent the State in response to petitions filed in Circuit Court for judicial review of a revocation or suspension of a driver's license imposed by the Secretary of State		☐	☐	☐	☐	☐			☐	☑	☐	☐	☐	☑
Boards														
Serve as a member of the Community Corrections Advisory Board		☐	☐	☐	☐	☐		3-89-37	☐	☐	☑	☐	☐	☐

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund.	User Fees	State/Fed Grant	Other
Victim's Rights														
Provide services as mandated by the Crime Victims Rights Act for victims of juvenile offenders	**MCLA 780.756 MCLA 780.763**	☐	☐	☐	☐	☐			☐	☐	☐	☐	☑	☐
Provide services as mandated by the Crime Victims Rights Act for victims of adult offenders	**MCLA 780.756 MCLA 780.763**	☐	☐	☐	☐	☐			☐	☐	☐	☐	☑	☐
Family Law Division														
Paternity Proceedings														
Represent indigent and non-indigent custodial parents in paternity and support proceedings	**MCLA 722.714 (4)**	☐	☐	☐	☐	☐	6-22-00-84		☐	☐	☐	☐	☑	☐