

HOUSE BILL No. 6345

November 10, 2004, Introduced by Reps. Lipsey and Howell and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 2004 PA 205, and by adding section 2530b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2529. (1) In the circuit court, the following fees
2 shall be paid to the clerk of the court:

3 (a) Before a civil action other than an action brought
4 exclusively under section 2950, 2950a, or 2950h to 2950m is
5 commenced, or before the filing of an application for
6 superintending control or for an extraordinary writ, except the
7 writ of habeas corpus, the party bringing the action or filing
8 the application shall pay the sum of \$150.00. The clerk at the
9 end of each month shall transmit for each fee collected under
10 this subdivision within the month \$31.00 to the county treasurer

1 and the balance of the filing fee to the state treasurer for
2 deposit in the civil filing fee fund created in section 171.

3 (b) Before the filing of a claim of appeal or motion for
4 leave to appeal from the district court, probate court, a
5 municipal court, or an administrative tribunal or agency, the sum
6 of \$150.00. For each fee collected under this subdivision, the
7 clerk shall transmit \$31.00 to the county treasurer and the
8 balance of the fee to the state treasurer for deposit in the
9 civil filing fee fund created in section 171.

10 (c) If a trial by jury is demanded, the party making the
11 demand at the time shall pay the sum of \$85.00. Failure to pay
12 the fee at the time the demand is made constitutes a waiver of
13 the right to a jury trial. The sum shall be taxed in favor of
14 the party paying the fee, in case the party recovers a judgment
15 for costs. For each fee collected under this subdivision, the
16 clerk shall transmit \$25.00 to the state treasurer for deposit in
17 the juror compensation reimbursement fund created in section
18 151d.

19 (d) Before entry of a final judgment or order in an action in
20 which the custody, support, or parenting time of minor children
21 is determined or modified, the party submitting the judgment or
22 order shall pay 1 of the following fees, which shall be deposited
23 by the county treasurer as provided in section 2530:

24 (i) In an action in which the custody or parenting time of
25 minor children is determined, \$80.00.

26 (ii) In an action in which the support of minor children is
27 determined or modified, \$40.00. This fee does not apply when a

1 fee is paid under subparagraph (i). The court may order a party
2 to reimburse to the other party all or a portion of the fee paid
3 by that other party.

4 (e) Except as otherwise provided in this section, upon the
5 filing of a motion the sum of ~~-\$20.00-~~ **\$40.00**. In conjunction
6 with an action brought under section 2950 or 2950a, a motion fee
7 shall not be collected for a motion to dismiss the petition, a
8 motion to modify, rescind, or terminate a personal protection
9 order, or a motion to show cause for a violation of a personal
10 protection order. A motion fee shall not be collected for a
11 motion to dismiss a proceeding to enforce a foreign protection
12 order or a motion to show cause for a violation of a foreign
13 protection order under sections 2950h to 2950m. A motion fee
14 shall not be collected for a request for a hearing to contest
15 income withholding under section 7 of the support and parenting
16 time enforcement act, 1982 PA 295, MCL 552.607. For each fee
17 collected under this subdivision, the clerk shall transmit \$10.00
18 to the state treasurer for deposit in the state court fund
19 created by section 151a **and \$20.00 to the county treasurer for**
20 **deposit in the lawyer-guardian ad litem fund created in section**
21 **2530b.**

22 (f) For services under the direction of the court that are
23 not specifically provided for in this section relative to the
24 receipt, safekeeping, or expending of money, or the purchasing,
25 taking, or transferring of a security, or the collecting of
26 interest on a security, the clerk shall receive the allowance and
27 compensation from the parties as the court may consider just and

1 shall direct by court order, after notice to the parties to be
2 charged.

3 (g) Upon appeal to the court of appeals or the supreme court,
4 the sum of \$25.00.

5 (h) The sum of \$15.00 as a service fee for each writ of
6 garnishment, attachment, execution, or judgment debtor discovery
7 subpoena issued.

8 (2) The sums paid as provided in this section shall be held
9 to be in full for all clerk, entry, and judgment fees in an
10 action from the commencement of the action to and including the
11 issuance and return of the execution or other final process, and
12 are taxable as costs.

13 (3) Except as otherwise provided in this section, the fees
14 shall be paid over to the county treasurer as required by law.

15 (4) At the end of each month, the clerk shall transmit for
16 each fee collected under subsection (1)(d) \$10.00 to the state
17 treasurer for deposit in the fund created by section 6a of the
18 office of child support act, 1971 PA 174, MCL 400.236a. The
19 balance of the fee collected under subsection (1)(d)(i) shall be
20 paid to the county treasurer and deposited by the county
21 treasurer as provided under section 2530 to be used to fund
22 services that are not title IV-D services. The balance of the
23 fee collected under subsection (1)(d)(ii) shall be paid to the
24 county treasurer and deposited by the county treasurer as
25 provided under section 2530.

26 (5) The court shall order any of the fees prescribed in this
27 section waived or suspended, in whole or in part, upon a showing

1 by affidavit of indigency or inability to pay.

2 (6) If the person filing an action under subsection (1)(d) is
3 a public officer acting in his or her official capacity, if the
4 order is submitted with the initial filing as a consent order, or
5 other good cause is shown, the court shall order the fee under
6 subsection (1)(d) waived or suspended. If a fee is waived or
7 suspended and the action is contested, the court may require that
8 1 or more of the parties to the action pay the fee under
9 subsection (1)(d).

10 **Sec. 2530b. (1) A lawyer-guardian ad litem is established**
11 **in each county. The county treasurer shall deposit in the fund**
12 **all fees collected for that purpose under section 2529(1)(e).**
13 **The county treasurer shall direct the investment of the fund and**
14 **shall credit to the fund any interest and earnings from fund**
15 **investments.**

16 (2) Money in the lawyer-guardian ad litem fund shall remain
17 in the fund and shall not lapse to the county general fund.

18 (3) The county board of commissioners shall appropriate to
19 the circuit court in that county all sums in this fund for the
20 purpose of compensating lawyer-guardians ad litem for visiting
21 clients as required by section 17d(1)(d) of the probate code of
22 1939, 1939 PA 288, MCL 712A.17d. Excess funds may be used to
23 compensate lawyer-guardians ad litem for additional
24 responsibilities as required by section 17d(1)(e) of the probate
25 code of 1939, 1939 PA 288, MCL 712A.17d. Money transmitted to
26 the fund under section 2529(1)(e) shall supplement and not
27 supplant other money appropriated by the county for

1 lawyer-guardian ad litem functions in section 17d of the probate
2 code of 1939, 1939 PA 288, MCL 712A.17d, as measured by the
3 highest amount appropriated by the county for those functions in
4 either the current fiscal year or the 2 previous fiscal years.