

Kalamazoo County Probate Court

Budget overview

- Kalamazoo County.
 - Fiscally responsible, did not have the downturn that most of the state had in 2008
 - We had one budget reduction of \$20,000 during that time.
 - No pay increases in lieu of budget cuts
 - Retirement is still a Defined Benefit

- Kalamazoo County has a cooperative budget process
 - Each department list priorities
 - Policies in place

Where does the money come from?

- County general fund
 - Taxes
 - Property tax
 - Alcohol tax
 - Cigarette tax
 - Millage Levies
 - Law enforcement millage
 - this directly affects the courts; if county had to cover, we would get less
 - Fees for services
 - State Court Equity Fund

- Probate Court Revenues
 - Probate Court Fee Schedule
 - Most filing fees are split 50/50 between the county and the State Court fund
 - Exception: Inventory fees 47.5% County / 52.5% State

 - In our budget process, we predict a certain amount of revenue – county supplements the rest
 - Salary (Judge) – \$142,628 – comes from state
 - Cost Assessments
 - Estate Inventory Fees
 - Guardianship fees
 - Notary Fees (\$3.00)
 - Certified Copies
 - Copy Fees (\$2.00/Page)
 - Open Safe Deposit Box

How is the money spent?

- Kalamazoo County Probate Court's Annual Budget is \$934,600 before adjustments:
 - \$556,700 – Salaries and wages
 - \$203,100 – Fringe benefits
 - \$174,800 – Operating expenses

 - Salaries/Fringe
 - Judge's salary/fringe paid directly by the State
 - County pays salaries/fringe of other staff

 - 2018 Operating expenses
 - \$71,900 earmarked for attorney/GAL fees = approximately 41% of our operating expenses
 - GAL/Attorney Fees History
 - 2013 = \$55,408
 - 2014 = \$70,669*
 - 2015 = \$81,558
 - 2016 - \$91,371
 - 2017 = \$80,752

 - *2014 was last year we stayed within our budgeted operating expenses by moving money from other line items. The County has adjusted our budget to cover the cost of GAL/Attorney fees*

Other:

- Kalamazoo County will be proposing a Senior Millage in August 2018.
- Kalamazoo County Probate Court has a caseworker on staff dedicated to statutory reviews, guardianship investigations, guardianship problems and follow-up
 - Paid from Circuit Court funds
 - We used to have two caseworkers. Circuit Court pulled the position.
- Other counties subcontract or rely on DHHS to provide statutory reviews.
- Kalamazoo County Probate Court partners with Western Michigan University Medical School.
 - Students review developmentally disabled guardianships (not required by statute)

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Pct Rcvd
101 GENERAL FUND					
148 PROBATE COURT					
539.04 STPART.SALARIES	0.00	0.00	0.00	0.00	0.00
540.00 SALARY STANDARDIZATION	140,000.00	24,958.43	24,958.43	115,041.57	17.83
601.00 JURY DEMAND	0.00	0.00	0.00	0.00	0.00
606.01 COST ASSESSMENTS	1,000.00	0.00	0.00	1,000.00	0.00
608.10 ESTATE INVENTORY FEES	44,000.00	2,318.44	2,318.44	41,681.56	5.27
608.16 GUARDIANSHIP FEES	8,000.00	440.00	440.00	7,560.00	5.50
608.33 DRIVERS LICENSE RESTORATION	0.00	0.00	0.00	0.00	0.00
608.45 NOTARY FEES	300.00	9.00	9.00	291.00	3.00
608.49 JUVENILE TRAFFIC SERVICE FEES	0.00	0.00	0.00	0.00	0.00
608.65 OTHER FEES	0.00	0.00	0.00	0.00	0.00
608.79 E-FILING SYSTEM FEE	0.00	0.00	0.00	0.00	0.00
616.00 CERTIFIED COPIES	15,000.00	1,078.00	1,078.00	13,922.00	7.19
616.20 COPY FEES	1,000.00	142.00	142.00	858.00	14.20
623.01 OPEN SAFETY DEPOSIT BOX	100.00	0.00	0.00	100.00	0.00
635.00 MISCELLANEOUS	3,000.00	0.00	0.00	3,000.00	0.00
696.00 CASH OVER & SHORT	0.00	0.00	0.00	0.00	0.00
Total GENERAL FUND	212,400.00	28,945.87	28,945.87	183,454.13	13.63
Grand Total	212,400.00	28,945.87	28,945.87	183,454.13	13.63

Expenditure Status Report
 KALAMAZOO COUNTY
 1/1/2018 through 1/31/2018

101 GENERAL FUND
 148 PROBATE COURT

Account Number	Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Pct Used
703.01 SALARIES, ELECTED	145,600.00	12,129.82	12,129.82	0.00	133,470.18	8.33
704.00 SALARIES, OTHERS	403,900.00	22,862.59	22,862.59	0.00	381,037.41	5.66
704.30 SALARY POOL	7,200.00	0.00	0.00	0.00	7,200.00	0.00
705.00 SALARIES, OVERTIME	0.00	243.37	243.37	0.00	-243.37	0.00
Total SALARIES AND WAGES	556,700.00	35,235.78	35,235.78	0.00	521,464.22	6.33
710.00 FRINGE BENEFITS	200,500.00	12,861.06	12,861.06	0.00	187,638.94	6.41
710.30 FRINGE POOL	2,600.00	0.00	0.00	0.00	2,600.00	0.00
Total FRINGE BENEFITS	203,100.00	12,861.06	12,861.06	0.00	190,238.94	6.33
727.00 PRINTING & BINDING	2,000.00	0.00	0.00	0.00	2,000.00	0.00
728.00 POSTAGE	6,000.00	640.89	640.89	0.00	5,359.11	10.68
729.00 COPY CHARGES	2,000.00	315.00	315.00	0.00	1,685.00	15.75
730.00 OFFICE SUPPLIES	6,000.00	-753.34	-753.34	0.00	6,753.34	12.56
730.17 OFFICE SUPPLIES - SMALL EQUIPMENT	2,000.00	0.00	0.00	0.00	2,000.00	0.00
731.02 MICROFILM PROCESSING	600.00	0.00	0.00	0.00	600.00	0.00
731.03 MICROFILM STORAGE	2,000.00	0.00	0.00	0.00	2,000.00	0.00
732.20 LAW BOOKS/PERIODICALS	7,000.00	0.00	0.00	0.00	7,000.00	0.00
802.00 MEDICAL & GUARDIAN AD LITEM	71,900.00	5,522.78	5,522.78	0.00	66,377.22	7.68
802.03 GUARDIANSHIP EXPENSES	3,000.00	0.00	0.00	0.00	3,000.00	0.00
803.00 TRANSCRIPTS	500.00	0.00	0.00	0.00	500.00	0.00
804.00 JURY DUTY	1,000.00	0.00	0.00	0.00	1,000.00	0.00
805.00 WITNESS FEES	1,000.00	0.00	0.00	0.00	1,000.00	0.00
808.00 CONTRACTUAL SERVICES	2,000.00	0.00	0.00	0.00	2,000.00	0.00
808.46 VISITING JUDGES	700.00	0.00	0.00	0.00	700.00	0.00
808.52 PROBATE ADVOCATE	1,000.00	0.00	0.00	0.00	1,000.00	0.00
819.04 JIS USER FEES	18,000.00	510.00	510.00	0.00	17,490.00	2.83
849.00 INTERNAL COMMUNICATIONS EXPENSE	13,000.00	1,022.13	1,022.13	0.00	11,977.87	7.86
850.00 COMMUNICATIONS EXPENSE	2,900.00	97.42	97.42	0.00	2,802.58	3.36
860.00 TRAVEL	6,100.00	0.00	0.00	0.00	6,100.00	0.00
895.01 BANK FEES	1,100.00	0.00	0.00	0.00	1,100.00	0.00
931.00 EQUIPMENT MAINTENANCE	6,600.00	0.00	0.00	0.00	6,600.00	0.00
941.00 EQUIPMENT RENT/LEASE	6,000.00	587.28	587.28	0.00	5,412.72	9.79

Expenditure Status Report
 KALAMAZOO COUNTY
 1/1/2018 through 1/31/2018

101 GENERAL FUND
 148 PROBATE COURT

Account Number	Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prc't Used
956.00 EMPLOYEE TRAINING	12,400.00	75.00	75.00	0.00	12,325.00	0.60
Total OPERATING EXPENSES	174,800.00	8,017.16	8,017.16	0.00	166,782.84	4.59
Total GENERAL FUND	934,600.00	56,114.00	56,114.00	0.00	878,486.00	6.00
Grand Total	934,600.00	56,114.00	56,114.00	0.00	878,486.00	6.00

Probate Court Fee Tables
December 2017

FEES APPLICABLE TO MULTIPLE TYPES OF CASES			
Type of Filing or Request ¹	Authority (MCL)	Fee Amount	Waivable ³
Demand for Jury Trial	600.857(3)	\$30.00	Yes
Motion	600.880b(1)	\$20.00	Yes
Objection	600.880b(1)	\$20.00	Yes
Amended Petition	600.880b(1)	\$20.00	Yes
Petition for Instruction	600.880b(1)	\$20.00	Yes
Petition to Withdraw a Petition	600.880b(1)	\$20.00	Yes
Petition to Withdraw as Attorney	600.880b(1)	\$20.00	Yes
Appeal to Circuit Court or Court of Appeals	600.880c(1)	\$25.00	Yes
Petition and Order	600.880b(1)	\$20.00	Yes
Issuance of a Commission to Take Testimony	600.874(1)(b)	\$7.00	Yes
Petition for Appointment of Guardian ad Litem	600.880b(1)	\$20.00	Yes
Petition to Allow Fees of Guardian ad Litem	600.880b(1)	\$20.00	Yes
Petition for Settlement of Personal Injury Claim	600.880b(1)	\$20.00	Yes
Writ of Garnishment, Attachment, Execution, or Judgment Debtor Discovery Subpoena	600.880b(2)	\$15.00	Yes
Petition for Temporary Restraining Order	600.880b(1)	\$20.00	Yes
Electronic Filing System Fee for Civil Actions ⁴	600.1986(1)(a)	\$25.00	Yes

¹ All fees are required with the following exceptions:

- A fee shall not be charged for commencing a proceeding under a provision of the mental health code (MCL 330.1001 to 330.2106). MCL 600.880(3).
 - The Attorney General, Department of Treasury, Department of Health and Human Services, State Public Administrator, Administrator of Veterans Affairs, and county government agencies pay no filing fees. MCL 600.880(4), 600.880a(2), 600.880b(5)
 - A party that is a governmental entity is not required to pay an electronic filing system fee. MCL 600.1986(4)
- ² After the commencement of a civil action or proceeding in the probate court, a party filing a motion, petition, account, objection, or claim shall pay a \$20.00 motion fee to the probate register. However, a fee shall not be charged if the moving party is the subject of the proceeding. MCL 600.880b.
- ³ Fees may be waived or suspended pursuant to MCL 600.880d or MCR 2.002. If the court waives payment of a fee for commencing a civil action because the court determines that the party is indigent or unable to pay the fee, the court shall also waive payment of the electronic filing system fee. MCL 600.1986(3)

Probate Court Fee Tables
December 2017

Type of Filing or Request ¹	Fees APPLICABLE TO DECEDENT ESTATE CASES Authority (MCL)	Fees Amount	Waivable ²	Distribution
Demand for Notice -No Estate Pending	600.880(1)	\$150.00	Yes	Civil Filing Fee Fund
-Estate Pending	600.880b(1)	\$20.00		\$10 Funding Unit \$10 State Court Fund
Petition for Assignment of Estate under \$15,000 ³	600.880(2)	\$25.00	Yes	State Court Fund
Value of Estate as Reflected in Inventory ⁴ -Estate Valued less than \$1000	600.871(1)	\$5.00 plus 1% of amount over \$500	Yes	47.5% Funding Unit 52.5% State General Fund
-Estate Valued from \$1000-\$2999.99		\$25.00		
-Estate Valued from \$3000-\$9999.99		\$25.00 plus 5/8 of 1% of amount over \$3000		
-Estate Valued from \$10,000-\$24,999.99		\$68.75 plus 1/2 of 1% of amount over \$10,000		
-Estate Valued from \$25,000-\$49,999.99		\$143.75 plus 3/8 of 1% of amount over \$25,000		
-Estate Valued from \$50,000-\$99,999.99		\$237.50 plus 1/4 of 1% of amount over \$50,000		
-Estate Valued from \$100,000-\$500,000		\$362.50 plus 1/8 of 1% of amount over \$100,000		
-Estate Valued from \$500,000.01-\$1,000,000		\$62.50 for each \$100,000 value over \$500,000		
-Estate Valued above \$1,000,000		\$31.25 for each \$100,000 value over \$1,000,000		

⁴ "Civil action" means an action that is not a criminal case, a civil infraction action, a proceeding commenced in the probate court under MCL 700.3982 [case type PE], or a proceeding involving a juvenile under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. It also excludes the following case types: TR, DD, JA, MI, and all ML filings except for Advanced Directive Proceedings, Review of Drain Commission, Petition for Order to Donate Kidney by Minor, Petition to Establish Death of Victim of Accident or Disaster, and Petition under Uniform Transfers to Minors Act.

⁵ The filing fee for this petition does not include the inventory fee for the estate. Note: Beginning in 2001, the \$15,000 threshold amount will be subject to a cost-of-living adjustment factor. The current amount can be found at: http://www.michigan.gov/documents/treasury/CostOfLivingAdjustmentsToEstatesAndProtectedIndividuals_345035_7.pdf

⁶ All inventory fees are to be rounded to the nearest whole dollar. The lien on real property is deducted from the value of that real property (but not below zero) when calculating the inventory filing fee.

Probate Court Fee Tables
December 2017

FEES APPLICABLE TO DECEDENT ESTATE CASES			
Type of Filing or Request	Authority (MCL)	Fee Amount	Waivable?
Petition/Application for Probate and/or Appointment of Personal Representative -Commences an Estate -Filed after an Estate is Open	600.880(1)	\$150.00	Yes
	600.880b(1)	\$20.00	
Petition to Determine Heirs -No Estate Pending -Estate Pending	600.880(1)	\$150.00	Yes
	600.880b(1)	\$20.00	
Petition to Reopen a Closed File Account ⁷ (for each account filed)	600.880(1)	\$150.00	Yes
	600.880b(1)	\$20.00	Yes
Petition for Allowance of Account when filed separately from account Statement and Proof of Claim	600.880b(1)	\$20.00	Yes
	600.880b(1)	\$20.00	Yes
Filing of Letters by Foreign Personal Representative Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when a proceeding is pending	600.880b(1)	\$20.00	Yes
	600.880b(1)	\$20.00	Yes

Distribution

Civil Filing Fee Fund

\$10 Funding Unit
\$10 State Court Fund

Civil Filing Fee Fund

\$10 Funding Unit
\$10 State Court Fund

Civil Filing Fee Fund

\$10 Funding Unit
\$10 State Court Fund

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\$10 Funding Unit
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Civil Filing Fee Fund

\$10 Funding Unit
\$10 State Court Fund

Civil Filing Fee Fund

\$10 Funding Unit
\$10 State Court Fund

⁷ The account is not subject to MCR 2.119(G)(2) as it is not a motion.

Probate Court Fee Tables
December 2017

FEES APPLICABLE TO CONSERVATORSHIP CASES			
Type of Filing or Request ¹	Authority (MCL)	Fee Amount ²	Waivable ³
Request for Notice of Orders in Protective Proceedings -No Proceeding Pending -Proceeding Pending	700.5104	\$150.00	Yes
	600.880(1) 600.880b(1)	\$20.00	
Petition for Conservator or Protective Order including request for Temporary Conservator on same petition Account ⁶ (for each account filed)	600.880(1)	\$150.00	Yes
	600.880b(1)	\$20.00	
Petition for Allowance of Account when filed separately from account Petition for Attorney Fees when filed separately from account	600.880b(1)	\$20.00	Yes
	600.880b(1)	\$20.00	
Statement and Proof of Claim Petition for Settlement of Personal Injury Claim	600.880b(1)	\$20.00	Yes
	600.880b(1)	\$20.00	
Any other paper filed by anyone other than the protected individual, no matter how titled, which requests relief or requires a hearing or ruling of the court when proceeding is pending	600.880b(1)	\$20.00	Yes
	600.880b(1)	\$20.00	

FEES APPLICABLE TO CIVIL ACTIONS			
Type of Filing or Request ¹	Authority (MCL)	Fee Amount ²	Waivable ³
Summons and Complaint	600.880(1)	\$150.00	Yes

Probate Court Fee Tables
December 2017

FEES APPLICABLE TO OTHER CASES			
Type of Filing or Request ¹	Authority (MCL)	Fee Amount ¹	Waivable ²
Performance of Marriage Ceremony	<u>600.874(1)(a)</u>	\$10.00	Yes
Secret Marriage License	<u>551.202</u>	\$3.00	No
Petition to Open Safe Deposit Box	<u>700.2517(2)(a)</u>	\$10.00	No
Will Filed for Safekeeping	<u>600.880c(2)</u>	\$25.00	Yes
Motion and Order for Delayed Registration of Foreign Birth	<u>600.880(1)</u>	\$150.00	Yes
Petition to Establish Death of Victim of Accident or Disaster	<u>600.880(1)</u>	\$150.00	Yes
Petition under Uniform Transfers to Minors Act (Act 433 of 1998)	<u>600.880(1)</u>	\$150.00	Yes
Drain Appeal	<u>600.880(1)</u>	\$150.00	Yes
Advanced Directive Proceeding	<u>600.880(1)</u>	\$150.00	Yes
Petition for Order to Donate Kidney by Minor	<u>600.880(1)</u>	\$150.00	Yes

COPY AND SERVICE FEES			
Type of Filing or Request ¹	Authority (MCL)	Fee Amount ¹	Waivable ²
Certified Copy of Letters of Authority -Certification fee -Each page	<u>600.2546</u>	\$10.00 \$1.00	Yes
Certified Copy of Deposition	<u>600.874(1)(c)</u>	\$0.03/page for each copy of deposition furnished	Yes
Taking, Certifying, Sealing, and Forwarding Deposition to Appellate Court	<u>600.874(1)(c)</u>	\$5.00 + \$0.10/page	Yes
Any other Certified Copy of any other Paper -Certification fee -Each page	<u>600.2546</u>	\$10.00 \$1.00	Yes
Certified Copy in relation to either proceedings for the admission or commitment of a person or the determination of inheritance tax	<u>600.876</u>	No Fee	

**Probate Court Fee Tables
December 2017**

GENERAL CONDITIONS WHERE NO FEE IS TO BE CHARGED		Authority (MCL/MOR)
Fee/Assessment		
One motion fee for all motions filed at same time in an action regardless of the caption		<u>2.119(G)(2)</u>
Prohibits motion fee if motion filed at the same time as another document in same action as to which a fee is required.		<u>2.119(G)(3)(d)</u>
Answer, Brief, Response		<u>2.119(G)(1)</u>
Filing of Inventory ⁸		<u>700.3706; 700.3707</u>
Notice of Continued Administration		<u>700.3951</u>
Annual Report on Condition of Ward		<u>700.5314; 700.5317</u> <u>5.409(A)</u>
Petition by Court-Appointed Attorney in Response to Guardianship Review		<u>600.880b(3)</u>
Disallowance of Claim (includes notice)		<u>700.3806; 700.5429</u> <u>700.7611</u>
Motion to Release Restricted Funds of a Minor		<u>600.880b(4)</u>
Application for Order to Compel Support of Poor Person		<u>600.880a(2)</u>
Petition for Allowance of Account filed with Account		<u>MCR 2.119(G)(3)(d)</u>
Petition for Attorney Fees filed with Account		<u>MCR 2.119(G)(3)(d)</u>
Any other paper, no matter how titled, which requests relief or requires a hearing or ruling of the court when proceeding pending and filed by the ward or by the protected individual		<u>MCL 600.880b(3), (4)</u>
Disclaimers		<u>MCL 700.2906</u>

⁸ Fee determined by MCL 600.871 based on the value of estate – there is no fee for filing.