

Probate Court

Kent County Courthouse
180 Ottawa Avenue NW, Suite 2500, Grand Rapids, MI 49503
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Mission

To secure the sound and efficient resolution of matters within an accessible and person-centered venue where every individual is treated with dignity and respect.

Overview

The Probate Court is a Court of statutory jurisdiction, primarily concerned with the protection of incapacitated or mentally ill individuals and their assets, and the proper transfer of assets at death.

Protection of Incapacitated Individuals. Proceedings concerning the protection of incapacitated individuals involve guardianships for legally incapacitated adults, guardianships for minors, and guardianships for developmentally disabled individuals. If a guardian is appointed, the Court must monitor the guardianship, making sure that the required annual reports are filed by the guardian, and conducting periodic in person reviews. The Court also conducts hearings regarding disputes that arise during the guardianship and petitions to terminate or modify the guardianship.

Hospitalization of Mentally Ill Individuals. The Probate Court hears petitions for hospitalization for mentally ill individuals alleged to be a significant danger to themselves or others. Hearings take place on a tight time frame: they are normally required to be held within seven days of involuntary hospitalization. The Court is also required to oversee and hold hearings for commitment of individuals from other counties hospitalized in Kent County, and other counties do the same when Kent County residents are hospitalized in other counties. In 2015, other counties oversaw 207 cases involving Kent residents hospitalized elsewhere, and conducted 89 hearings on those cases. In 2015, Kent County Probate Court oversaw 1487 cases involving residents of other counties hospitalized here, and conducted 259 hearings on those cases, none of which is reflected in Kent's SCAO case load statistics.

Protection of Property of Incapacitated Individuals. Proceedings concerning the protection of the property of incapacitated individuals involve conservatorships for legally incapacitated adults, conservatorships for minors, and guardianships of the estate for developmentally disabled individuals. If a conservator or guardian of the estate is appointed, the Court must then monitor the continuing proceedings to ensure that the required annual accounts are filed and approved, showing that the assets are being held and used for the benefit of the ward. The Court also conducts hearings regarding disputes that arise during conservatorships and petitions to terminate or modify conservatorships.

Transfer of Assets. The Probate Court has exclusive jurisdiction over proceedings regarding the transfer of assets at death or transfers where property is held in trust. Transfers at death may involve probate of a Will (testate estates) or estates where there is no Will (intestate estates), the only difference being whether the Will or state statute governs distribution of the property. The Court may also be called upon to interpret Wills or Trusts in the event of uncertainty or conflict over the document's meaning. Proceedings in decedent's estates may be unsupervised or supervised by the Court, depending on the situation.

Other Matters. The Probate Court also hears a variety of other types of matters. These include Petitions for Protective Orders, which are typically one-time requests for the Court to allow or approve some action, such as approval of a settlement or a Trust. They also include various civil actions, where one party is suing another party. These cases are just like cases in circuit or district court, except usually a trust, estate, or fiduciary is one of the parties, so the proceedings have some relation to the regular business of the Probate Court. Finally, the Probate Court holds Wills for safekeeping and hears proceedings for change of name, drain appeals and secret marriages.

Caseload. From 2008 through 2015 there has been an overall 48% increase in the caseload (number of new cases) of the Kent County Probate Court, with the largest increases in adult guardianships, mental commitments, mental commitment cases for other counties, and small estates. These increases may in part be attributable to the aging of our population and the expansion of medical and psychiatric hospitals in the County.

Strategic Goals

- Efficiently process and adjudicate all matters before the Court for the protection of individuals and their property (Safe Community)
- Maximize the effectiveness of existing staff and reduce staff growth (Efficient Use of Resources)
- Facilitate the provision of professional guardianship services for persons in need (Proactive and Innovative Government)
- Maximize the collection of reimbursable fees (Stable Revenues)

Significant Accomplishments

- The Kent County Guardianship Program, providing professional guardians to serve as guardians and conservators in cases where there was no willing and suitable family member, had been operated by DHHS since before 1989. However, in recent years support for the Program in Lansing (not at our local DHHS) had waned, probably because it was a unique program and therefore did not conform to Lansing's preference for uniformity throughout the State. Local DHHS was forced to curtail the time the Guardian Monitor could spend working on the Program, with the result that needed Program functions were not being performed and new guardians were not being recruited. It became clear that the Program needed to find a new home, but funding was needed to be able to pay for the services of a Guardian Monitor to run the Program. At the same time, St. Mary's and Spectrum hospitals were struggling with not being able to obtain professional guardians for their patients who needed them, and approached the Probate Court about whether there was a way they could help the Program financially and thus increase the availability of professional guardians. After a year of creative problem solving and perseverance, and the critical assistance of the County Administrator's office and Fiscal Services, the County Board approved acceptance of the funding commitments from the hospitals and bringing the Program to its new home at Kent County, under the supervision of the Probate Court effective 10/15/15. While the transition got off to a slow start because the Guardian Monitor did not commence her duties until 1/4/16, much progress has already been made and a total of 8 new guardians have joined the Program since September, 2015.
- In March 2014 the Probate Court began conducting hearings in mental commitment cases via video. The way this works is that the Judge, court recorder and prosecutor are in the courtroom during hearings and the patient, patient's attorney, and doctor participate from the psychiatric hospital via video. This was a joint project in which the expertise and assistance of the IT Department and Courthouse Facilities was crucial - it would not have happened without them. A significant benefit to the Court is that Judge Murkowski is not away from the Courthouse on Tuesday afternoons and Thursday mornings, and during the breaks while the assigned attorney travels between the psychiatric hospitals, he is able to efficiently deal with other matters. In addition to the time efficiency gained, conducting these hearings via video is saving the General Fund nearly \$6,000 per year in mileage expenses.
- In late 2010 the Probate Court implemented a more automated process to bill and collect reimbursement of legal fees from the respondents in mental commitment cases and adult guardianship cases. Previously the Court had typically recouped 5% or less of legal expenditures. Even though many of our respondents are indigent and therefore exempt from having to reimburse the Court, through our new process each year we have recouped over 32% of our expenditures for legal fees. As a result, even though mental commitments and adult guardianship cases (the case types necessitating most legal expenditures) have increased by over 40% since 2009, the net cost to the general fund for Probate Court legal expenditures has decreased by over 30%:

Year	Net Cost of Legal Services to General Fund
2009	\$168,629
2010	\$126,407
2011	\$117,407
2012	\$110,512
2013	\$131,944
2014	\$132,340
2015	\$117,096

DEPARTMENT: PROBATE COURT

Department 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.

Service Area: Estates and Mental Division

Service Area Mission Statement:

To secure the sound and efficient resolution of matters within an accessible and person-centered venue where every individual is treated with dignity and respect.

Goals

- To efficiently process and adjudicate all matters before the Court for the protection of individuals and their property
- To maximize the effectiveness of existing staff and reduce staff growth
- To facilitate the provision of professional guardianship services for persons in need
- To maximize the collection of reimbursable fees

Objectives

- To meet or exceed statutory, court rule and state guideline requirements for all matters before the Court
- To maximize compliance with statutes and court rules by court-appointed fiduciaries for the protection of individuals and their property
- To decrease the necessity for counter conferences and show-cause hearings for achieving fiduciary compliance by providing web-site and other information to non-professional fiduciaries
- To review and prepare all files for hearings so that hearings may proceed smoothly and efficiently
- To properly train and equip all staff members so they are able to provide excellent customer service
- To recruit and train new professional guardians so as to be able to meet demand
- To minimize the growth of net general fund expenditures for legal services

Indicators	2013 Actual	2014 Expected/ Actual	2015 Expected/ Actual	2016 Expected/ Actual
Outcomes				
Percentage of contested estate, trust, guardianship and conservatorship proceedings adjudicated within 365 days (guideline = 95%)	100.00%	>95.00%/ 100.00%	>95.00%/ 100.00%	>95.00%

Percentage of mental commitment petitions disposed within 14 days (guideline = 90%)	98.90%	>95.00%/98.90%	>95.00%/99.30%	0.95%
Percentage of mental commitment petitions disposed within 28 days (guideline = 98%)	99.60%	>98.00%/99.80%	>98.00%/99.90%	>98.00%
Number of fiduciaries noncompliant for more than 182 days, without cure of default or appointment of successor or special fiduciary	0	<1/1	<1/0	1
Average score on Customer Satisfaction Survey measured on a scale of 1 to 5 (with 5 being the best)	4.62	>4.50/4.86	>4.50/4.72	>4.50

Indicators	2013 Actual	2014 Expected/ Actual	2015 Expected/ Actual	2016 Expected/ Actual
Efficiencies				
Number of new case filings processed, per full time employee	315	>315/334	>334/357	357
Number of hearings for which probate staff prepared files, per full time employee	423	>423/442	>442/478	478
Percentage of guardians and conservators who failed to file required reports or accounts on time, requiring a notice of deficiency	55.77%	<55.00%/55.23%	<50.00%/47.44%	<50.00%
Percentage of guardians and conservators who failed to file required reports or accounts by time of counter conference, requiring a show cause	5.28%	<10.00%/8.20%	<10.00%/10.43%	<10.00%
Percentage of requests for professional guardians filled by KCGP	80.58%	71.82%/71.82%	76.12%/76.12%	85.00%
Average net cost to general fund for legal services per new mental commitment or adult guardianship case	\$57	\$52/\$52	\$42/\$42	\$42

Indicators	2013 Actual	2014 Expected/ Actual	2015 Expected/ Actual	2016 Expected/ Actual
Outputs				
Number of new mental commitment petitions processed	2,048	>2,100/ 2,240	>2,200/ 2,439	2,400
Number of mental commitment petitions processed for other counties pursuant to SCAO assignment because respondent hospitalized in Kent County	1,155	>1,200/ 1,408	>1,450/ 1,487	1,500
Number of new professional guardians added to KCGP	2	2/ 2	2/ 2	7
Number of requests for professional guardians made to the KCGP	139	110/ 110	134/ 134	175