

Engler will sign bill to consolidate court system

BY TIM RICHARD

Gov. John Engler will sign into law a bill creating a new "family court" to handle work that used to be spread around three different kinds of courts.

It's a step toward unification of Michigan's circuit, probate and district courts into a single "trial court."

The "family court" would be a division of circuit court, which currently handles divorce and child custody cases.

The change would gut many of the juvenile functions of probate court, leaving probate custody only of estate cases. Probate courts cannot be abolished entirely, however, except by voter approval of a state constitutional amendment.

"I'll help us use judicial resources to the maximum," Engler said Sept. 26 in an interview with this newspaper. "We're at a point where judicial costs have been rising. We pay people well to be on the bench. We want to make sure we get rid of case backlogs."

"We want to eliminate features of the current court system

which are not user friendly. Currently, if you're in a divorce, that's done by the circuit court; but if there's an abuse and neglect issue, that's done in the probate court. There's too much what court is it?"

"The family court devised by the Legislature is a step in the right direction."

"For 20 years I've heard people talk about court reform and reorganization. While we waited for the legal community and the judiciary to come to grips with it, we've done nothing. The Legislature finally reached the point where patience had run out, and they acted," Engler said.

The governor for several years had threatened to veto the creation of new judgeships in suburban Oakland, Wayne and Washtenaw counties until courts were reorganized.

"I just felt very strongly we shouldn't be authorizing new judges until we saw what the system would look like."

Engler said "there's considerable work to be done," citing the need to eliminate part-time probate judgeships in rural coun-

ties. The House on Sept. 24 was scene of the big battle. It approved Senate Bill 1052 on an 80-22 vote.

Voting yes: Reps. Gerald Law, R-Plymouth, Jim Ryan, R-Redford, Eileen DeHart, D-Westland, and Deborah Whyman, R-Canton.

Absent: Reps. Lyn Bankes, R-Redford, and Tom Kelly, D-Wayne.

The Senate concurred in House amendments on a 30-7 vote.

Opponents gave a variety of reasons. "Creating a family court is not an easy task," said Rep. Mary Schroer, D-Ann Arbor. "There is a lot of turf involved and a lot of egos involved here." Her amendment to delay implementation by

one year, to 1999, was rejected. Rep. David Joy, R-Utica, said no "because it authorizes a \$5,000 pay increase for 308 Michigan district and probate court judges who currently make \$104,900. This \$5,000 pay increase is in addition to the judges' getting a 3 percent pay increase in 1995 and another 3 percent pay increase in 1996."

Suit will fail

Engler predicted the city of Detroit's suit over funding of the 38th District Court — the only one in the state not funded by a local unit — "will fail on its merits, if not at the initial (trial) court, then at the appellate level. "It's a petition for more money."

I think both Detroit and Wayne County have been treated fairly on court reorganization," he said.

Suburban and outstate district courts are funded by cities and townships or counties. The state Supreme Court ruled against a lawsuit by cities and counties to get equal state funding for their courts.

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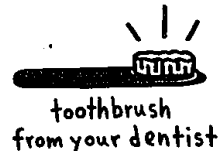
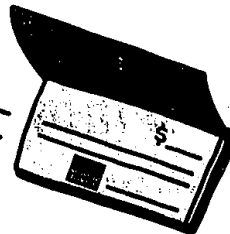
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