

Act No. 403  
Public Acts of 1994  
Approved by the Governor  
December 29, 1994  
Filed with the Secretary of State  
December 29, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

**Introduced by Reps Jersevic Vorva McBryde Horton Crissman Voorhees Martin Gernaat McManus  
Stille Fitzgerald Hill Middleton Kukuk Hammerstrom Gustafson Whyman Brackenridge Bodem  
Dalman McNutt Dolan LeTarte Weeks Walberg Shugars Nye Bullard Galloway Cropsey Jaye  
Clack Dobb and Munsell**

# **ENROLLED HOUSE BILL No. 5805**

AN ACT to amend sections 1910 2529 and 2950b of Act No 236 of the Public Acts of 1961 entitled as amended An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state the powers and duties of such courts and of the judges and other officers thereof the forms and attributes of civil claims and actions the time within which civil actions and proceedings may be brought in said courts pleading evidence practice and procedure in civil and criminal actions and proceedings in said courts to provide remedies and penalties for the violation of certain provisions of this act and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act section 2529 as amended by Act No 189 of the Public Acts of 1993 and section 2950b as added by Act No 61 of the Public Acts of 1994 being sections 600 1910 600 2529 and 600 2950b of the Michigan Compiled Laws

*The People of the State of Michigan enact*

Section 1 Sections 1910 2529 and 2950b of Act No 236 of the Public Acts of 1961 section 2529 as amended by Act No 189 of the Public Acts of 1993 and section 2950b as added by Act No 61 of the Public Acts of 1994 being sections 600 1910 600 2529 and 600 2950b of the Michigan Compiled Laws are amended to read as follows

Sec 1910 (1) Proof of service shall be made by 1 of the following methods

(a) Written acknowledgment of receipt of a summons and a copy of the complaint dated and signed by the person authorized under this act to receive them

(b) A certificate stating the facts of service if service is made within the state of Michigan by

(i) A sheriff

(ii) A deputy sheriff medical examiner bailiff constable or a deputy of these officers if the officers held office in a county in which the court issuing the process is held

(c) An affidavit stating the facts of service if service is made by any other person and indicating his or her official capacity if any

(2) Failure to make proof of service does not affect the validity of the service

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

(a) Before a civil action other than an action brought exclusively under section 2950 or 2950a is commenced or before the filing of an application for superintending control or for an extraordinary writ except the writ of habeas corpus the

party bringing the action or filing the application shall pay the sum of \$62 00 The clerk at the end of each month shall transmit for each fee collected under this subdivision within the month \$18 75 to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992 Act No 234 of the Public Acts of 1992 being sections 38 2101 to 38 2608 of the Michigan Compiled Laws \$5 00 to the secretary of the Michigan legislative retirement system for deposit with the state treasurer in the retirement fund created by the Michigan legislative retirement system act Act No 261 of the Public Acts of 1957 as amended being sections 38 1001 to 38 1060 of the Michigan Compiled Laws \$5 25 to the state treasurer for deposit in the general fund \$2 00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act Act No 260 of the Public Acts of 1988 being sections 691 1551 to 691 1564 of the Michigan Compiled Laws \$11 00 to the county treasurer and the balance of the filing fee to the state treasurer for deposit in the state court fund created by section 151a Beginning October 1 1994 and until October 1 1995 the fee required under this subdivision is \$72 00 Beginning October 1 1995 and until October 1 1996 the fee required under this subdivision is \$80 00 Beginning October 1 1996 and until October 1 1997 the fee required under this subdivision is \$90 00 Beginning October 1 1997 the fee required under this subdivision is \$100 00

(b) Before the filing of a claim of appeal or motion for leave to appeal from the district court probate court a municipal court or an administrative tribunal or agency the sum of \$60 00 For each fee collected under this subdivision the clerk shall transmit \$15 00 to the state treasurer for deposit in the state court fund created by section 151a Beginning October 1 1994 and until October 1 1995 the fee required under this subdivision is \$70 00 Beginning October 1 1995 and until October 1 1996 the fee required under this subdivision is \$80 00 Beginning October 1 1996 and until October 1 1997 the fee required under this subdivision is \$90 00 Beginning October 1 1997 the fee required under this subdivision is \$100 00

(c) If a trial by jury is demanded the party making the demand at the time shall pay the sum of \$60 00 Failure to pay the fee within the time provided in the court rules constitutes a waiver of the right to a jury trial The sum shall be taxed in favor of the party paying the fee in case the party recovers a judgment for costs

(d) Before entry of a final judgment in an action for divorce or separate maintenance in which minor children are involved or the entry of a final judgment in a child custody dispute submitted to the circuit court as an original action 1 of the following sums which shall be deposited by the county treasurer as provided in section 2530

(i) If the matter was contested or uncontested and was not submitted to domestic relations mediation or investigation by the friend of the court \$30 00

(ii) If the matter was contested or uncontested and was submitted to domestic relations mediation \$50 00

(iii) If the matter was contested or uncontested and the office of the friend of the court conducted an investigation and made a recommendation to the court \$70 00

(e) Except as otherwise provided in this section upon the filing of a motion the sum of \$20 00 For each fee collected under this subdivision the clerk shall transmit \$10 00 to the state treasurer for deposit in the state court fund created by section 151a

(f) For services under the direction of the court that are not specifically provided for in this section relative to the receipt safekeeping or expending of money or the purchasing taking or transferring of a security or the collecting of interest on a security the clerk shall receive the allowance and compensation from the parties as the court may consider just and shall direct by court order after notice to the parties to be charged

(g) Upon appeal to the court of appeals or the supreme court the sum of \$25 00

(h) The sum of \$15 00 as a service fee for each writ of garnishment attachment execution or judgment debtor discovery subpoena issued

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

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

(4) The court shall order any of the fees prescribed in this section waived or suspended in whole or in part upon a showing by affidavit of indigency or inability to pay

(5) The clerk of the circuit court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by Act No 234 of the Public Acts of 1992 at the same time the clerk of the circuit court transmits the portion of the fees collected under this section to the executive secretary

Sec 2950b (1) Before October 1 1995 the state court administrative office shall develop and make available forms for use by an individual who wishes to proceed without an attorney The forms shall include at least petitions for relief notice of hearing and proof of service for personal protection orders under sections 2950 and 2950a The forms shall be written in plain English in a simple and easily understood format and shall be limited if practicable to 1 page in length

Instructions for the forms shall be written in plain English and shall include a simple and easily understood explanation of the proper method of service and filing of the proof of service

(2) The standard personal protection order forms at a minimum shall contain all of the information required under sections 2950(10) and 2950a(7)

(3) The state court administrative office shall develop and make available standardized forms for use by individuals restrained or enjoined without notice to move to modify or to rescind a personal protection order and request a hearing

(4) The court shall provide the forms prepared under this section without charge Upon request the court may provide assistance but not legal assistance to an individual in completing those forms and the personal protection order if the court issues such an order and may instruct the individual regarding the requirements for proper service of the order

Section 2 This amendatory act shall take effect April 1 1995

Section 3 This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law

(a) Senate Bill No 1264 or House Bill No 5804

(b) Senate Bill No 1265 or House Bill No 5806

(c) Senate Bill No 1267 or House Bill No 5807

(d) Senate Bill No 1268 or House Bill No 5808

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor