

Act No. 186
Public Acts of 2016
Approved by the Governor
June 20, 2016
Filed with the Secretary of State
June 21, 2016
EFFECTIVE DATE: Pending

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 632

AN ACT to amend 1961 PA 236, entitled "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 the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 308, 846, 866, and 867 (MCL 600.308, 600.846, 600.866, and 600.867), section 308 as amended by 2013 PA 164 and section 846 as amended by 1989 PA 70; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 308. (1) The court of appeals has jurisdiction on appeals from all final judgments and final orders from the circuit court, court of claims, and probate court, as those terms are defined by law and supreme court rule, except final judgments and final orders described in subsections (2) and (3). A final judgment or final order described in this subsection is appealable as a matter of right.

(2) The court of appeals has jurisdiction on appeal from the following orders and judgments that are reviewable only on application for leave to appeal granted by the court of appeals:

(a) A final judgment or final order of the circuit court under any of the following circumstances:

(i) In an appeal from a final judgment or final order of the district court appealed to the circuit court under section 8342.

(ii) In an appeal from a final judgment or final order of a municipal court.

(b) A final judgment or final order from the circuit court based on a defendant's plea of guilty or nolo contendere.

(c) Any other judgment or interlocutory order from the circuit court, court of claims, business court, or probate court as determined by supreme court rule.

(3) An order concerning the assignment of a case to the business court under chapter 80 is not appealable to the court of appeals.

(4) The court of appeals has exclusive original jurisdiction over any action challenging the validity of section 6404, 6410, 6413, or 6419.

Sec. 846. In an action or proceeding pending in any other court of this state of which the probate court and the other court have concurrent jurisdiction, the judge of the other court, upon motion of a party and after a finding and order on the jurisdictional issue, may by order remove the action or proceeding to the probate court. If the action or proceeding is removed to the probate court, the judge of the other court shall forward to the probate court the original of all papers in the action or proceeding and thereafter proceedings shall not be had before the other court.

Sec. 866. (1) All appeals from the probate court shall be on a written transcript of the record made in the probate court or on a record settled and agreed to by the parties and approved by the probate court. An appeal shall not be tried de novo.

(2) A party appealing from the probate court shall give notice of appeal to all interested parties as provided by supreme court rule.

(3) Except as otherwise provided in this section and section 867, appeals from the probate court are governed by supreme court rule.

Sec. 867. (1) After an appeal of right from a judgment or order of the probate court is filed with the court of appeals and notice of the appeal is filed with the probate court, all further proceedings in pursuance of the judgment, order, or sentence, appealed from are stayed for a period of 21 days or, if a motion for stay pending appeal is granted, until the appeal is determined, except as otherwise provided in subsection (2), section 65(2) of chapter X of the probate code of 1939, 1939 PA 288, MCL 710.65, or supreme court rule.

(2) The pendency of an appeal from the family division of the circuit court or from an order of the probate court entered under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or sections 5201 to 5319 of the estates and protected individuals code, 1998 PA 386, MCL 700.5201 to 700.5319, does not stay the judgment or order unless the court from which or to which the appeal is taken specifically orders the stay. An application for a delayed appeal from an order of the family division of the circuit court shall be filed within 6 months after entry of the judgment or order.

Enacting section 1. Sections 861 and 863 of the revised judicature act of 1961, 1961 PA 236, MCL 600.861 and 600.863, are repealed.

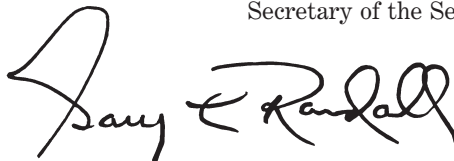
Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 3. This amendatory act does not take effect unless House Bill No. 5503 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor