

AGENDA
Special Meeting
BUDGET/AUDIT COMMITTEE

111 S. Michigan Ave., Room 200, Saginaw, MI 48602

Tuesday, March 21, 2023 – 4:00 p.m.

Members: Dennis Krafft – Chair, Jack Tany – Vice-Chair, Tracey Slodowski, Rich Spitzer, Christopher Boyd
Others: Vanessa Guerra, Robert Belleman, Tim Novak, Koren Thurston, Civil Counsel, Board Staff, *Media*

- I. Call to Order
- II. Welcome
- III. Correction/Approval of Minutes (***None***)
- IV. Public Comment - *Speakers limited to 3 minutes*
- V. Agenda

1. **Doug Deeter, Rehmann, and Robert Belleman, Controller/CAO**, re:

- **3-21-16** Submitting the FY 2022 Audited Financial Statements (*Distributed at Meeting*)
[Board Report on Addendum if approved]

2. **Judge Patrick McGraw and LaTecia Cirilo, Probate Register, Probate Court**, re:

- **3-21-11** Requesting an increase to its Contractual Services Account of \$30,000 from the 2023 General Fund to pay for the extension to the contract with Terry Kluck, retired Probate Register, from April 4, 2023 to July 4, 2023
[Board Report on Addendum if approved]

3. **Robert Belleman, Controller/CAO, on behalf of the Saginaw County Building Authority**, re:

- **3-21-17** Requesting approval of potential change order with Spence Brothers on TheDow Event Center project (*Distributed at Meeting*)
[Board Report on Addendum if approved]

- VI. Miscellaneous
- VII. Adjournment

LABOR BUDGET RELATIONS AUDIT

STATE OF MICHIGAN SAGINAW COUNTY PROBATE COURT 10th Circuit Court – Family Division

PATRICK J. MCGRAW
Probate Judge

CHERYL SHAW ALDEN
Judicial Secretary

111 S. Michigan Avenue
Saginaw, MI 48602-2086
PHONE: (989) 790-5279
FAX: (989) 790-5328

LATECIA T. CIRILO
Probate Register

LISA M. REAGAN
Chief Deputy Register

THERESA SCHMUDE
Official Court Reporter

March 7, 2023

Board of Commissioners, County of Saginaw
111 S. Michigan Ave.
Saginaw, MI 48602

Re: Approval of Additional Funds and Extension of Contract

Dear Chairman Boyd,

I am requesting an additional \$30,000.00 to be placed into the Probate Contractual Services Account to pay for the services of Terry Kluck, Retired Probate Register and for approval of a second extension for the contract between Terry Kluck and the Probate Court. Ms. Kluck's contract currently expires April 4, 2023.

The Probate Court is still facing challenges. As stated in the previous request on January 3, 2023, Probate Court will be short an employee for 6-8 weeks coming up in April when one of the Deputy Registers goes out on maternity leave, creating a greater hardship on the remaining staff. My employees have been working hard on trying to keep up with the mail along with the continued learning and navigation of the new system as well as consistency at the counter and on the telephone with customers in answering questions and assisting in providing the proper paperwork needed. There seems to be an overload of work that needs to be packed into an 8 hour day and that is only going to be intensified once we become short an employee (2 counting the expiration of Ms. Kluck's contract) Ms. Kluck has been an incredible asset in assisting my office over the past 5 months, the delinquent case report has been shortened, the preparation for this year's files for destruction is almost complete as well as her assistance to the Register on information for the Caseload Report. To lose her at this point will only set us back to the drawing board of falling behind on those notices and added stress to the staff of picking up their co-workers' duties.

Staying afloat is an understatement at this point. The Probate Court needs an additional person to keep the office running efficient and to help alleviate some of the undue stress from the remaining staff.

3-21-11

RECEIVED
SAGINAW COUNTY
BOARD OF COMMISSIONERS
2023 MAR - 8 PM 2:15

I have attached supporting documents A-E explaining the need for Ms. Kluck's extension of contract, statements for hours billed, hence the request of additional funds and a breakdown of the duties for the Probate Staff as well as pay rates with a comparison of a pay rate from a different department.

Please consider my request to provide additional funds to the Contractual Services Account and to have Ms. Kluck's contract extended from April 4, 2023- July 4, 2023.

Sincerely,



LaTecia Cirilo

CC: Judge Darnell Jackson
Judge Patrick J. McGraw

(A)

- There are still 2 months of microfilm that need to be processed, pulled, prepped, and scanned (The new employees have not been trained in doing this job and no time to show them).
- We will be out of space to house files and will need another location which will cause the Court delay and a person to retrieve files from that location as well as no money in the budget to pay for housing of closed files.
- Assistance was sought from SCAO regarding the above issue with having no space for closed files but to no avail, the Court was advised to seek the answer from the Judge in what to do with files that are to be kept an additional 50 and 30 years. Judge is currently trying to work with SCAO to resolve this issue.
- Snow day occurred causing to lose a day of processing Mental Paperwork that has to have a 7-day turnaround for hearings-Chief Deputy Register in on the weekend to catch up.
- An Employee coming up on maternity leave in the next month for 6-8 weeks that will leave staff short and since it will be Summer there will be no vacation coverage, or we do not allow vacations in the summer
- Currently catching up 2511 cases of delinquencies with 5-A notices and conferences done by our contract employee, Ms. Kluck-who has been working 9-12 hours a day as well as coming in during the weekend for 4-7 hours, to send those deficiency notices out and set conferences for deficiencies not complied with the 1st time –
- Conferences are set before the Register – normally conferences are between one and five files which equals 1 hour in the morning- With this backlog being caught up it has led to conferences being held ALL day every 15 minutes 2x a week which the Register relies on Ms. Kluck for assistance to get through these conferences.
- No Shows for conferences result in Show Causes being set for the Judge's docket by the contracted employee for further direction. Currently trying to set for the Judge to hear and schedule every 5 minutes.
- Ms. Kluck has been a tremendous help in bringing the delinquent 96 page report of files up to date but again- with staff not being fully trained and minus a person will lead to a backlog again in the next few months if the delinquent list is not kept up daily

- Contract employee, Ms. Kluck is also assisting with the creation of forms with staff and IT to help Re-Create the Probate Reminders to help eliminate the multitude of deficiencies that have occurred since the transition to Odyssey as well as other forms that were previously built in Main Frame that are not in Odyssey now.
- Employees still trying to learn Probate Law and the filings, so as to be able to accept or reject cases and documents; delaying the learning of assigned job duties each one should be performing.
- The Register spends 1-2 hours daily checking over the filings received by staff to ensure proper entries of paperwork, dispositions, and judgements as to catch errors immediately as staff is still learning to navigate through the system and the understanding of Probate Law.
- When staff is short a person the Register takes large portions of the mail to assist staff so to keep the office running as efficient as possible, but we still find ourselves a day behind, which in turn causes the Register to fall behind on her own workload
- The Register stays into the evening an extra 1-3 hours to complete daily work as well as come in on the weekends for a couple of hours to try and stay afloat with work.
- Currently, Register is working with IT to complete the Caseload report that was due Feb. 28, 2023, another cumbersome and time-consuming issue as reports are not accurate and updates are needed to be provided to SCAO to keep them informed as to the status of the deficient report.
- Chief Deputy Register is the only one processing Mental Paperwork as no time has been available for her to train another staff member- which falls back on to the Register to process the Mental paperwork when the Chief Deputy Register is sick or out of the office- again adding to the Register for double duty when there is a person out.
- Change of Venues are another issue, only the Chief Deputy Register and Register open these cases currently and enter the proceedings as the new staff has not been introduced to these filings yet, which can be time-consuming and tedious depending on the age of the file and the history behind it. Some files may be an inch thick or 3 inches. With each document previously filed in that county having to be entered in individually by date into our system.

- In January we went before the Budget/Audit Committee to get Ms. Kluck's contract extended another 3 months to April 4, 2023, from January 4, 2023, and to request an additional \$30,000 to be able to pay her from the original \$10,000.00 initially approved. This proves the large amount of work that needed to be done in Probate and without the assistance of an extra person this would not have been attained.
- Which leads to the upcoming months, sometime in April we will become short an employee as stated before due to maternity leave and the expiration of Ms. Kluck's contract on April 4, 2023, will add to the laborious workload for staff. This time will be extremely hard on all employees as well as adds stress. It will also delay even more cross-training efforts.
- An estimate of an additional \$30,000 is needed to keep Ms. Kluck on contract during this time of shortage in the office.
- We have realized we will always be short one employee, when one was removed years ago. The only way the Court has been able to keep up is with all experienced employees of many years. Now, all are new.

(B)

**TERRY LYNN KLUCK
3030 S. BRENNAN RD.
HEMLOCK, MI 48626
(989) 642-4018**

October hours worked - \$50 per hour

Oct 4, 2022	7.00
Oct 5, 2022	7.50
Oct 6, 2022	7.50
Oct 12, 2022	8.50
Oct 13, 2022	8.00
Oct 14, 2022	8.00
Oct 24, 2022	<u>7.50</u>
	54.00hrs
TOTAL	\$2700.00

**TERRY LYNN KLUCK
3030 S. BRENNAN RD.
HEMLOCK, MI 48626
(989) 642-4018**

**November hours worked - \$50 per hour Billed on December
1, 2022**

Nov 8, 2022	8.00
Nov 9, 2022	7.75
Nov 10, 2022	8.25

Nov 14, 2022	8.50
Nov 15, 2022	8.00
Nov 16, 2022	8.00
Nov 17, 2022	8.00
Nov 18, 2022	8.00

Nov 21, 2022	9.00
Nov 22, 2022	8.00
Nov 23, 2022	8.00

Nov 28, 2022	8.50
Nov 29, 2022	8.75
Nov 30, 2022	8.50

TOTAL HRS	115.25 hrs x \$50 = \$5,762.50
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**TERRY LYNN KLUCK
3030 S. BRENNAN RD.
HEMLOCK, MI 48626
(989) 642-4018**

December hours worked - \$50 per hour

Dec 1 8.00

Dec 2 4.50

Dec 5 8.00

Dec 6 8.00

Dec 7 8.25

Dec 8 8.00

Dec 9 5.25

Dec 12 8.00

Dec 13 8.50

Dec 14 4.00

Dec 15 8.50

Dec 16 9.00

Dec 19 8.50

Dec 20 8.75

Dec 21 8.75

Dec 22 7.50

Dec 27 8.00

Dec 28 10.00

Dec 29 7.75

TOTAL 147.25 X 50 = 7,362.50

TERRY LYNN KLUCK
3030 S. Brennan Rd
Hemlock, MI 48626
(989) 642-4018

January 2023 hours worked - \$50 per hour

Jan 3	8.25
Jan 4	8.00
Jan 5	7.50
Jan 6	9.25

Jan 8	5.00
Jan 9	8.00
Jan 10	8.00
Jan 11	7.50
Jan 12	10.00
Jan 13	9.00
Jan 14	3.00
Jan 15	6.00

Jan 17	7.50
Jan 18	7.25
Jan 19	8.50
Jan 20	8.50
Jan 21	12.00
Jan 22	6.60
Jan 23	6.00
Jan 24	7.50
Jan 25	8.50
Jan 26	8.00
Jan 27	9.25
Jan 28	6.75

Jan 30	4.00
Jan 31	12.00

TOTAL 199.75 x 50. = \$9,987.50

Terry Kluck

3030 S. Brennan Rd

Hemlock, MI 48626

FEBRUARY HOURS

Feb 1 9.5

Feb 2 9

Feb 3 9

Feb 4 7.5

Feb 5 4.5

Feb 6 10.25

Feb 7 8.00

Feb 8 10.50

Feb 9 9.00

Feb 10 10.00

Feb 11 5.00

Feb 12 4.50

Feb 13 11.00

Feb 14 4.25

Feb 15 7.00

Feb 16 5.00

Feb 17 8.50

Feb 18 10.50

Feb 19 4.25

Feb 21 8.00

Feb 22 9.5

Feb 24 8.00

Feb 25 6.00

Feb 27 10.00

Feb 28 8.00

Total hrs 196.75 x 50 = \$9,837.50

(C)

SAGINAW COUNTY
PROBATE COURT
EXPLANATION OF COURT PROCESS FOR
BOARD OF COMMISSIONERS
2023

PRESENTED BY
HON. PATRICK J. McGRAW
SAGINAW COUNTY

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PROBATE COURT

In 1888 the Court of Probate was established in each county, the members of which were appointed by the Governor and from which appeals would be taken to the Supreme Court. These Courts continued in operation until Michigan became a State.

The revised statutes of 1838 made for the office of Judge of Probate elected for a term of 6 years. The Constitution of 1850 provided for a Probate Court in each county. **Thus, we are a constitutionally created Court.**

Jurisdiction

The Constitution of 1908 and subsequent acts of our legislature have provided for the jurisdiction of the Probate Court.

The Constitution of 1963 provides that "the jurisdiction, powers, and duties of the Probate Court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents except as otherwise provided by law." The law currently provides that the Probate Court has jurisdiction over the administration of decedent's estates and of trusts, over guardianships and conservatorships and over the involuntary commitment of mentally ill persons. As of the January 1, 1998 creation of the Family Division of the Circuit Court, our Court as many former Probate Courts did, transferred juvenile delinquency, neglect and abuse and adoption proceedings to the jurisdiction of the **Family Division of the Circuit Court**.

Probate judges are now elected on the non-partisan ballot for six year terms subject to the same requirements as other judges. The legislature sets our salaries; adjusted by what NERE (non-exclusively represented employees) receive yearly. The County is reimbursed 100% for our salaries.

1. RELATION TO COUNTY

Although Probate judges have constitutional status and Probate Courts are one of the divisions of the State Court System, Probate Courts and judges remain more of a county court than the Circuit Courts in several respects. Most significant, we think, are some of the non-judicial duties that Probate judges have been assigned. For example, the Probate judge appoints the county members of the State Boundary Commission that deals with issues of annexation and incorporation. The Probate judge appoints the citizen member and, in some counties, other members, to the County Allocation Board and a Deputy Register of Deeds if the office of Register is temporarily vacant. And the Probate judge is a member of a committee, along with the Clerk and Prosecutor, to fill vacancies in elected county positions for which an alternative procedure has not been provided. In addition, the Probate judge is the chairperson of the County Elections Commission.¹,

¹ See Guide to Michigan County Government, Fourth Edition, Kenneth VerBurg at 273.

Our Court serves the needs of senior citizens, families of deceased individuals, children without parents or a place to live, children who are abused and neglected, adults who are abused and neglected, adults and children who need guardians and need someone to work with their finances and protect their moneys, people who need mental health treatment, and mentally handicapped who need support. The help that this county court gives is explained more fully in the following pages.

2. ROLE OF THE PROBATE COURT

The Probate Court handles the following proceedings:

DECEDENT ESTATE PROCEEDINGS

The court has exclusive jurisdiction of matters relating to the settlement of an estate of a deceased person who is at the time of death domiciled either in the county or out of state leaving an estate within the county to be administered. This includes but is not limited to the following types of proceedings:

- The internal affairs of the estate
- Estate administration, settlement and distributions
- Declaration of rights that involve an estate, devisee, heir or fiduciary
- Construction of a will
- Determination of heirs

The Court handles small estates which is a proceeding commenced by filing a petition & order for assignment along with a receipt showing the status of a funeral bill. We also require a death certificate. If we are shown evidence that the balance of a decedent's gross estate after payment of funeral and burial expenses is valued at or less than the amounts given in a yearly table, we can order that the remaining property be assigned to the surviving spouse or the decedent's heirs. That value is currently \$25,000.00 for 2022 (\$15,000 plus COLA under EPIC). New COLA is adjusted on February of each year.

There is an initial filing fee of \$25 plus the inventory fee. Pursuant to MCL 600.871, based on value, the County keeps 47.5% of the fee; the remainder goes to the State of Michigan. **Most fees attributable to Probate Court, the county is not the recipient, but rather it is the State of Michigan.** In the decedent estate proceedings; unsupervised administration, we appoint a personal representative upon application for probate and/or appointment of a personal representative.

This Court uses a register's review of the application which means that my register must determine that there are no grounds for denial present such as:

- A personal representative has been appointed in another county.
- A will offered for probate or another will of the decedent has been the subject of a previous probate order.
- The probate relates to multiple wills the latest of which does not revoke the earlier.

- The application indicates the existence of a possible unrevoked will that is not offered for probate.
- The register is not satisfied for any clearly stated reason.

The register can approve if he/she finds the following:

- The application is complete.
- The applicant has affirmed that the statements in the application are true.
- The applicant appears to be an interested person.
- Venue is proper.
- An original properly executed and apparently unrevoked will is in the register's possession.
- Any will to which the requested appointment relates has been or is being offered for probate.
- Notice requirements regarding informal appointment have been met if applicable.

FORMAL PROBATE PROCEEDINGS

We can allow an estate to proceed supervised or unsupervised. Proceedings to commence an unsupervised administration can be formal or informal.

CONTESTED PROCEEDINGS

- This Court is also charged with resolving contested proceedings such as:
- Will contest.
- Will and Trust construction proceedings.
- Determination of Heirs
- Objection to proposed personal representative
- We can order to Alternate Dispute Resolution²

COURT HEARINGS

Regardless of the formal or informal proceeding nomenclature, a formal proceeding can be commenced at any time during a probate process to obtain a single court determination without affecting other matters. Therefore we have hearings by unhappy beneficiaries, unhappy people with estate expenses, problems with accounting, problems with status of the estate or moving it along, disputed titles, disputed distributions, **will contests involving jury trials etc.**

² This Court established an alternative dispute resolution process in 2004. We converted a room by the Friend of the Court into two rooms for this purpose. It is staffed full time and the ADR process is being utilized by all courts now. It results in significant savings to the parties and courts. This is also referred to as "mediation" in our budget. \$12,000/year was placed in my budget to cover the costs. The \$12,000 comes from Circuit Court marriage fees.

DECEDENT ESTATE PROCEEDINGS; SUPERVISED ADMINISTRATION

An interested person or personal representative can file a petition to have the administration of an estate supervised if the following occur:

- If the decedent's will directs supervised.
- If the decedent's will directs unsupervised but the court orders supervised.
- If the decedent's will is silent and the court feels that supervised should be ordered.

This court rarely authorizes supervised administration.

MISCELLANEOUS DECEDENT ESTATE PROCEEDINGS

The Probate Court also handles various miscellaneous proceedings dealing with decedent's estates. Those are as follows:

Ancillary proceedings for non-resident decedents – this usually occurs where property is in our county, but decedent is outside of our county or outside of our state.

Determination of heirs as a separate proceeding – the Probate Court is asked to determine heirs in separate proceedings to determine who may be qualified as an heir.

Examination of Decedent's Safe Deposit Box – the Court also is authorized to allow the examination of decedent's safety deposit box before a personal representative is appointed to look for a will, burial plot, or deed.

Wrongful Death Settlements – if there is no action pending in Circuit Court, a petition to settle claim and distribute proceeds is brought before the Probate Court. There are notice requirements and service requirements, guardian ad litem are appointed, orders are rendered distributing proceeds.

If an action is pending in Circuit Court, the Probate Court still needs to make sure that the moneys are protected before the Circuit Court can allow a settlement.

Establish Death in Unusual Circumstances – if there is death by accident or disaster or disappearance, the Probate Court handles hearings to determine whether death should be determined in court proceedings.

Funeral & Burial Arrangements – the Probate Court is asked many times by funeral homes on who has priority to make decisions in the burial of loved ones. The Probate Court is also involved in many disputes over the burial and payment.

Disappeared heirs – if an heir has disappeared, the Probate Court is asked to distribute by inheritance or bequest or distribute to the county treasurer or a conservator.

Marriages and marriage licenses

1. Unpublicized license – the court can issue a marriage license without publicity. (Known as a “secret marriage”)
2. Persons under marriageable age – marriageable age is 18 or age 16 with parental consent. The probate judge may marry persons under marriageable age without publicity under certain circumstances.
3. Court can solemnize marriages also.
4. Probate Court handles & tracks assignment of Circuit & retired judges to perform marriages.

Lost Interest Instruments

An application regarding a lost deed, mortgage or other instrument affecting title to real estate, affecting land in two or more counties which was lost or destroyed after being recorded in one county but before being recorded in another county, may be filed in the Probate Court.

Support of Poor Persons

An application for an order to compel support of a poor person can be made to the Probate Court of the county where the poor person dwells. The court can compel support by a relative.

Kidney Donation by Minor

A Probate Court has jurisdiction over a prospective donor and may authorize a kidney donation by a person who is at least 14 years old.

Uniform Transfers to Minor Act Proceedings

The Court can authorize fiduciaries to hold property for a minor or for the minor's benefit.

County Election Commissioners

The Board of County Election Commissioners for a county includes the Probate, the Chief or only Probate judge of the county. They handle recall petitions, clarity hearings etc.

Soldiers Relief Commission

The Senior Probate Judge in each county appoints the members of the Local Soldier's Relief Commission.

State Bonding Commission

The Senior Probate Judge in each county appoints the local members of the State Boundary Commission.

Drain Commission Hearings

The Probate Court is the one who deals with the appeals when filed with the Saginaw County Drain Commissioner.

TRUST PROCEEDINGS

The Probate Court has exclusive jurisdiction over the validity, internal affairs and settlement of trusts. Trust proceedings are established as in decedent's estates by filing a petition, notifying interested persons, making sure people comply with notice of hearing, service of process and waivers, appointing guardian ad litem and making them aware that they have the right to a jury trial. We appoint and remove trustees, review fees and compensation; we settle trustee accounts, instruct trustees, approve agreements suggesting beneficial interests, reform or construct trusts, terminate trusts and order repayment of improper distributions.

After several years of work, a new Trust Code was enacted in 2018 and new rules and court forms were promulgated. This new statute was incorporated into EPIC and will require more education by Judge and staff as well as help from our ISS department. We do not know the scope of litigation that will arise out of this new Trust Code, but to give you an example of what is going to be required as far as education by my staff and myself, I offer the following:

New notice requirements under the Michigan Trust Code will be required and it is quite complicated. Registration of the Trust can be required in the Probate Court. The staff will need to know the new definitions of "estate" which trust is the governing instrument, and be familiar with the terms in order to properly file and exercise jurisdiction.

The staff will have to be familiar with the jurisdiction and venue parts of the Trust document in order to accept filings.

The Court will also be responsible for contested hearings involving much of the same as in the prior chapter involving Wills in EPIC.

GUARDIANSHIP PROCEEDINGS

Minor guardianship proceedings – the Court has concurrent jurisdiction with the Family Division of the Circuit Court for guardianship proceedings and appointing guardians for minors. The Court can appoint temporary guardians, do so by parental appointment and appoint full guardians or limited guardians. All guardianships must be reviewed by the Probate Court at least annually for a ward under 6. The Court may also order an investigation by the MDHHS or court staff on every guardianship.

Guardianships of incapacitated individuals – an alleged incapacitated individual is someone who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication or other cause not including

minority, to the extent that he or she lacks sufficient understanding or capacity to make or communicate informed decisions.

Any individual on his own behalf or a person interested in the individual's welfare may petition for the appointment of a guardian. There are requirements for notice, appointment, temporary guardian, guardian ad litem and attorneys. The court also must appoint an investigator and review a guardianship not later than 1 year after the appointment of a guardian and not later than every 3 years after that.

Guardians for those with Developmental Disability – the Court also appoints guardians for those with developmental disabilities and those are handled under the Mental Health Code. These are for people who are developmentally disabled with various requirements that have to be met, basically indicating that they have been developmentally disabled since birth which is anticipated to continue forever.

PROTECTIVE ORDERS

A protective order may be obtained if a statutory basis exists for affecting the property and business affairs of an individual. The court can do this without appointing a conservator to authorize and ratify transactions and contracts. Hearings are also required with guardian ad litem, health professionals, financial consultants and attorneys involved.

CONSERVATORSHIPS

A petition for a conservator may be filed by an individual to be protected or any interested person in the estate, or a person who would be adversely affected by the lack of management of the individual's property and business affairs or the MDHHS on behalf of a vulnerable adult. A conservatorship is to protect the property of a ward. There are priorities for appointment; again, guardian ad litem, health professionals, visitors, and attorneys are involved and hearings are required.

INVOLUNTARY TREATMENT FOR MENTAL ILLNESS

Proceedings are initiated by application if an individual is already hospitalized or by petition if the individual is not already hospitalized. The Probate Court has original jurisdiction over the mentally ill. This is one of the very complicated areas of the Probate Court where staff is heavily involved and hearings and jury trials are held on a regular basis. **As an example, I need to inform you how my staff is directly involved in the mental health and why one person needs to be involved in the mental health role, and sometimes two, and why I have cross-trained others but they get behind unless they are doing it everyday, which I have only one person doing.**

Please see approximated time necessary for each MI. As you will see, this is an enormous amount of work for one individual.

“Kevin’s” law was enacted several years ago to handle more “out-patient” clients. In 2019, new forms were developed to assist our consumers.

We also handle out county cases throughout the State of Michigan as a result of Healthsource becoming a regional hospital.

IVT

In 2002, we were a pilot court for using interactive video technology. Due to our success, every court is now able to use the technology, saving transport costs, security costs and increasing available judicial time. The Supreme Court provided the video monitors for every court in the State that desired one. I believe each judge asked for one and received one in Saginaw County. Ours is used to handle all involuntary mental health proceedings. We have a courtroom at Healthsource Saginaw, Caro Center, Forensic Center and KPH where the patients appear with their attorneys and doctors, and I hold the hearings via IVT in my courtroom.

We also use IVT for arraignments in the jail or to converse with other courts or for educational purposes without leaving the court.

“Zoom” has now been added as an additional tool, fortunately for Probate Court, we were already used to doing “zoom” hearings and did not miss a beat during COVID.

OUR OTHER DUTIES

As a result of “concurrent jurisdiction”, the Senior Probate Judge is assigned as a Circuit Court Judge and District Court Judge. The court also runs a “Swift & Sure” specialty court with Judge Jackson. The court also handles all name change petitions and all PPO’s (Personal Protection Orders), which are part of the Family Division of the Circuit Court. These are all in addition to running the Probate court and its office.

Besides myself, there is another elected Probate Judge, Judge Barbara Meter, who is working out of the Hospital Road location. She is assigned full time to the Family Division, handling abuse & neglect, and juvenile matters as well as being responsible for the building and Detention Center.

2. EVALUATION OF CHANGES IN THE PROBATE COURT OVER TIME

Probate Court Time Guideline

1974

- **Registers acted merely as a court clerk**, filing documents, judge determines compliance with statutes, court rules and signs all orders.
- Court staff was (1) Register; (1) Chief Deputy Register (2) Deputy Register; (2) Clerks; (1) Secretary/Reporter; **7 total probate employees**

1979

- Revised Probate Code went into affect July 1, 1979. Gave registers the authority to sign independent probate only (about 60% of cases were independent)

1980's

- Clerk position went to part time in approximately March of 1985, position deleted in approximately 1988.
- Court staff was (1) Register; (1) Chief Deputy Register; (2) Deputy Registers; (1) Clerk (loss of one clerk); (1) Court Reporter

1982-1998

- 70% of matters were heard in the courtroom, supervised and petitions within independent requesting the matter be heard by the judge. In 2006 **99.9%** were being processed by the staff
- In this time period there were no limited guardianships for minors or limited adult guardianships.
- Limited and full guardianships for minors are done mainly in pro per requiring much assistance throughout. In 1982 there were 50 to 75 cases annually, as of the end of 2006 the court is now monitoring 636.
- Now the court has placement plans to go over within limited minor guardianships.
- 49 Mentally Ill petitions were filed this year. In 2006 there were 607 new filings plus 39 on assignment. (Saginaw County started hearing mentally ill petitions on assignment on a regular basis in 2002. This means I hear cases for other counties due to their residents being found in Saginaw)

1998

- Family Court becomes effective January 1, 1998 - one judge hearing most initial support and paternity cases assigned to five circuit judges previously. (massive paperwork to be true copied and forwarded to other offices) The rotation is to start circulating amongst all judges next year again.
- Hearings to be scheduled on DeNovo's. (meaning Judge must hear anew)
- PPO's assigned to Probate Court. Filings are on the rise, motions to terminate have grown tremendously since this initial assignment, violations to be scheduled

within a period of time designated by statute, encroaching on days for Probate matters, requiring court to adjourn matters already set (time consuming)

- Behind 13 years worth of microfilming closed files-due to loss of position (the office is now running out of space to house files)
- Additional time spent on phones re: Family Court issues
- Additional time spent with customers and other offices re: above
- Additional courtroom time
- Probate is advised a new probate code (state mandated) major changes to become effective April 1, 2000
- Over 100 new forms will be created along with new statute and court rules to be learned and implemented

1999

- Judge Patrick J. McGraw becomes new Probate Judge.
- Court must start reading statute, attending seminars and training for upcoming implementation of the Estates and Protected Individuals Code (EPIC) effective 04/01/2000
- SCAO requires many changes in proceeding codes for a statistics report to be furnished by year end, prior to implementation of the new code, EPIC
- State of Michigan now mandates only three (3) people are to work with cash on a daily basis. Each of those three (3) individuals must have their own cash drawer with a key and balance their cash at the end of each day. One (1) of the three (3) individuals is to combine all tabs of the money at the end of the day; a different individual is to prepare a weekly deposit; a different individual is to keep a log of all checks received by mail; and a different individual assigned to void receipts and or files (extremely time consuming in a small office)
- Develop and implement an entire new system of proceeding and fiduciary codes. Entire new programming for fiduciary requirements and delinquencies which contain many new deficiency reports and follow up procedures. All new reports to be established for SCAO requirements by April 1, 2000
- A judicial secretary was added to our budget as a result of the increased probate workload and family court duties.

2000

- A new Deputy Register added- **due to additional notice requirements, filings and increase in authority in the front office, clerk was doing deputy work.**
- Implementation of new computer program required under EPIC by April 1st
- ISS claims probate is the most difficult to program, it is like alphabet soup with all of its case types and extensive list of fiduciary codes. They indicate other courts' cases are opened and closed, if a new case comes in a new file number is issued. In probate however, cases tend to go on for years let alone decades. Within this time frame you will have fiduciaries expire, become incapacitated, request a successor or co-fiduciaries (all have different codes) each time you must start the matter over in order to be compliant with statute and court rules per fiduciary

- The vast majority of counties use Judicial Information Systems (JIS), the program requirements established through SCAO. In Saginaw County we must develop our own system
- Training required for new computer system
- Reviewing over 100 new forms for contents, must be scrutinized **before** being accepted for filing-- must be compliant with new statute and court rules (extremely time consuming)
- **Civil actions are now heard in Probate Court-in prior years there may have been one (1) per year. Probate is receiving more civil actions stating "if it applies to Probate, it is processed more efficiently than if filing in Circuit Court"**
- **Staff now was (1) Register; (1) Chief Deputy Register; (3) Deputy Register; (1) Clerk (1) Judicial Secretary; (1) Court Reporter – 8 probate employees**

2001

- Notification that effective 01/01/2002, the SCAO is mandating **another** programming change for caseload reporting, is to be in place and staff is to be trained in order to be compliant with new section requiring disposition codes. According to ISS, probate is cumbersome when programming due to numerous proceeding and fiduciary codes.
- The Court discovers a \$700,000 + in misappropriated funds for prosecution.
- Days spent at attorney's office with Judge Gilbert who was appointed by the State in order to sort things out.
- State requires an inventory on pending matters to be completed by the end of December 2001. Court shuts down for 1 day in late December under a Local Administrative Order.

2002

- New Court Rule mandated- monitor case files (See MCR 5.203-Follow Up Procedures.) Conferences are now held by the Register to ease judge's docket due to Family Court, failure to respond-a show cause is prepared and scheduled before the judge requiring additional paperwork, no response, and court issues bench warrant. Register may remove and appoint a special fiduciary, information necessary for bi-annual delinquent fiduciary reporting see MCR 8.119(G)
- MCR 5.404(E) court is now required to appoint DHS (Department of Human Resources) to review each minor guardianship annually until minor attains the age of six (6). This requires additional time for preparation of documents and review of response to determine if any follow up procedures necessary. (Minor Guardianships have increased significantly due to single parent births)
- MCR 5.408(A) (1) requires the court to review adult guardianships after one (1) year from appointment and every three (3) years thereafter. Information must be copied, an individual appointed to report back to the court. The court then has additional responsibilities regarding follow up procedures. (Adult

Guardianships have increased significantly due to longevity). These are time consuming and require additional tracking

- 99.9 percent of deceased cases are done by registers (unless a contested matter arises)
- **Judge has staff show cause approximately a thousand (1000) cases that were suspended with no activity. Holds hearings with follow up procedures put in place and/or appoints special fiduciaries**
- Staff must notify LEIN of any orders for an incapacitated individual or on an order regarding the commitment of a mentally ill patient. Staff must also remove from LEIN, when individual expires, is no longer incapacitated or may request to have removed if the patient is no longer requiring treatment under the mental health code
- **Judge McGraw now hears preliminary/designation hearings from the Juvenile Court. These are placed on our docket in an already tight docket, they generally take a two (2) hour slot**

2003

- **Clerk was removed from our budget. ***
- MCR 2.004(B), Testimony of Incarcerated Individuals, to be implemented by Court. (In Minor Guardianships, approximately 70% of minors would have an incarcerated parent) Much time and paperwork is required for this new Court Rule. Communication by letter with inmate, letter to warden and scheduling of court room time and coordinating with the prison in order to have inmate available at time set for hearing
- First year past EPIC, amended statutes, court rules and forms are being critiqued in order to comply with statute and rules. Ongoing training required
- Run reports with County Clerk data weekly in regards to deaths of Saginaw county residents in order to pull old wills, close mentally ill cases and close out adult guardianships, with follow up paperwork in order to conserve space
- **Staff was decreased. (1) Register/Administrator – (title changed to reflect increased duties) ; (1) Chief Deputy Register; (3) Deputy Registers (1) Judicial Secretary (1) Court Reporter – 7 probate employees**

2004

- We have 1100 files torn apart and in the process of being prepped, logged, filmed, cards filed and shredded in which cannot possibly be done before the end of January 2004
- Probate Court has a new filing system for Summons and Complaints. The new deputy was monitoring these as they require additional time, organization, and issues. Duties reassigned
- Several Mental Health Hospitals have closed in the past two years. When out of county residents are found in Saginaw County and fill our hospitals, our Judge must hear these residents' cases on assignment. (additional time is spent with other Courts, Mental Health Authorities, hospitals, attorneys and additional paperwork in order to be accomplished within five (5) workdays

- When our residents are found in another county or sent to another county due to our hospital beds being full, this requires additional paperwork with SCAO and pre-approval, as-well-as additional contact with various Community Mental Health Authorities, Prosecutors and attorneys
- **Mental Health petitions are on the rise; Demands are on the rise; and Non-compliances are up. A Respondent may object to being picked up on a non-compliance which requires an additional hearing within seven (7) days. Upon obtaining a contract to help the county cut costs, it has put a burden on the staff, Mental Health Authority, and The Probate Courtroom as there is a seven-day period (in which we do on Wednesdays only) to complete procedure**
- The staff must go through files the day before hearings are scheduled in order to perform a checklist for the Judge. In the absence of documents, staff must contact the various individuals and offices, on short notice, to have paperwork faxed as soon as possible to obtain an order on the day of hearing. The docket of the Saginaw County Probate Court is already overbooked, so this ensures minimal squandering of Court time
- **Our Court, unlike others, does not have the ability to receive revenue from increasing costs and fines through a LAO**
- Irrevocable Trusts are now filed with the Probate Court. These require additional time as they often have objections which require additional courtroom time
- **Through an Administrative Order, many Probate matters are handled in the Probate Court Office by the Register Administrator rather than the Courtroom. This allows the Judge to hear contested matters which require additional time as needed**
- The Legislature is asking to appoint partial guardian opposed to a plenary guardian whenever possible over Developmentally Disabled persons. This type of guardianship is less restrictive but has to be renewed every five (5) years, requiring all new paperwork, extensive reports, testimony, appointment of counsel and court hearings
- We no longer issue receipts after 4:30p.m. in order to balance daily cash to avoid overtime for staff
- **Have used overtime each year, since deletion of clerk position in 2003 approximately \$8,000 to \$10,000/year in overtime.**

2005

- SCAO is mandating a new report be designed to determine objections and tracking the time period until its resolution.
- Staff training is required on filings and determining whether a matter is completely resolved
- SCAO is mandating a new report for caseload regarding dispositions – tracking from the time an alleged mentally ill petition is filed until disposition. If there is a request to defer, subtract the time; if a demand comes in add back in time from filing of the demand to the order and place into a specific group.

- SCAO is mandating a report be designed and implemented regarding the amounts of monies paid to attorneys, guardian ad litem.
- New court rule MCR 5.409, requires additional documents and time on conservatorships, scrutinizing accountings, running tabs on figures, mandating proofs of restricted forms with current attachments within 30 days, reviewing interested persons to determine if the presumptive heirs have changed from year to year due to death
- Staff must now enforce follow up procedures to be compliant with new court rule 5.107 (proof of service on all orders)
- Kevin's Law signed. Creates more work and confusion in mental health court.

2006

- **Statute now requires review of annual accountings at least every three years in order to monitor conservatorships- judge wants all adult conservator and developmentally disabled accounts allowed annually**
- **Most accountings are prepared in pro per after initial appointment(attorneys usually eliminated-in order to save monies) much extra time spent with each fiduciary trying to guide them on procedures**
- Much time is needed to allow an account in order to proceed with proper figures for the upcoming year
- Implemented a new program to monitor these.
- Started "Record Check Release". Court will not appoint a fiduciary until a LEIN is run on the fiduciary. This must be reviewed by the police authority, staff and judge.

2007

- Register/Administrator's job description approved to reflect years of accumulated new duties and titles
- Court is mandated by court rule to notify all interested persons when a temporary guardian is appointed ex parte
- Temporary adult guardianships are on the rise due to doctors requiring them. People do not have the money for an attorney leaving the staff to assist as much as possible. In the past we have had only a few temporary guardianships and staff did not assist. Michigan Court rules now require if a temporary is granted ex-parte, the court staff must send notice to interested persons

2008

- **Patrick J. McGraw acts as new Chief Judge of Probate and Presiding Judge of Family Court Division**
- Judge requested new law clerk employee due to increasing number of contested matters being heard – never provided!
- Judge McGraw has 45% of Family Court matters at this time

- Still functioning with a Probate Register/Administrator, Chief Deputy Probate Register, 3 Deputy Registers and a Judicial Secretary. We also have a Bailiff and Court Reporter on staff.
- Implemented a Register of Actions at Juvenile as was non-compliant with reporting as well as other changes.

2009

- **Patrick J. McGraw receives extern help from Cooley Law School to help with docket, research, updating teaching materials and helping in the Probate office. "Free"**
- Judge McGraw has a minimum of 52% of the Saginaw County Family Court docket, *EXCLUDING* the handling of PPO's of almost 1,000 per year.

2010

- New Trust Code goes into effect.
- 52.3% of the family court matters are now assigned to Judge McGraw

2014

- Judge McGraw instrumental in developing the Saginaw County "First Responders Guide for Behavioral Interventions". This guide brought together many individuals and agencies who cooperatively worked together with collaborative discussion to develop methods of dealing with any situation that might arise with our citizens who may suffer from various unfortunate behaviors. This guide can be found on-line at WWW. SCCMH.ORG. It has also served as a model for many courts throughout Michigan.

2015

- Judge McGraw's Family Court matters all were reassigned to Judge James Borchard. Judge James Borchard and Judge Andre Borrello will be handling all family matters other than abuse & neglect and juvenile.
- Judge McGraw has been assigned civil cases as well as taking over Judge James Borchard's share of civil cases, until Jude Borrello's docket gets up to speed.

2016

- Judge McGraw takes over the "Swift & Sure" specialty court.
- Judge McGraw now assists in criminal docket to assist other Circuit Court judges.

2017

- Mental Health Law Changed. "Kevin's Law" goes into effect. Result is more "assisted outpatient" treatment. More planning now involved. New forms. More training for staff/law enforcement and mental health workers. Court has to keep all partners in Saginaw County informed as to changes.
- Judge McGraw took on criminal docket to assist other Circuit Court judges.

2018

- Judge McGraw takes over as “Chief” judge of all courts.
- Reduces handling of criminal and civil cases

2019

- Chief Judge McGraw continues with docket plus is involved in numerous projects, committees and meetings to keep Saginaw County functioning and handles department issues.
- Attends all meetings regarding the implementation of a new system to become effective in late 2020 or 2021.

2020

- COVID hit in March, 2020. The Probate staff continued to work daily in person at the courthouse throughout the pandemic.
- First Responders pamphlet was updated.
- Court worked with Berry-Dunn/Tyler on a new upgrade to go live February 28, 2022.

2021

- Court continues to work overtime with Berry-Dunn/Tyler on implementation of our new computer system and onsite visits with the company.
- State Court Administrators Office mandates numerous new forms for staff to learn and implement.
- An instructional video was produced on “The Michigan Mental Health Code” through a grant obtained by SCCMH. It is a professionally done program, with input from all Saginaw County partners. The program will be utilized by all Judges, CMH’s and teaching facilities throughout the State. Huge kudo’s to Saginaw CMH for making Saginaw a leader in helping and protecting those with mental illness.
- Staff shortage affecting vacation times and handling all cases for public, especially those with mental illness.

2022

- Challenging year for the Courts as we have struggled through Covid to learn and implement Munis and Odyssey-Navigation while working with Berry Dunn and Tyler Technologies to go live February 28, 2022, which was moved back to June 6, 2022.
- The loss of three (3) seasoned employees with a combined total of 75 years of experience, leaving the Court to hire new people, having to train a new staff along with the implementation of this difficult and complex system that all the Courts seem to be experiencing.
- Longer times to process paperwork (at least an additional 25-30 minutes) not only due to staff being new BUT main factor is the time it takes to navigate through the system, many more "clicks" before you get to where you need to be; besides entering the documents into events the staff now needs to remove all staples and scan each individual document as well.
- 96 pages with cases printed up that needed to be brought up to date in the new system due to the way the system was configured; previous files were not linked to the time standards that were created- causing many hours of catch up time for the New Register along with the help of the Retired Register- Terry Kluck, who was hired back temporarily on Contract to assist in the office.

2023

- Probate is unable to meet deadlines for the States Reporting due to being on the new system and finding that the reports are different from the old Main Frame system, making it harder to obtain the actual number of cases taken in, disposed of and still pending because of the switch in the middle of the year from Main Frame to Odyssey. Probate is waiting on the assistance from the IT department since they are busy helping all the other Courts with the same issue Probate's reports have not been able to be completed.
- Facing a shortage of staff with one worker soon to be going out on maternity leave and the contract of Ms. Kluck to expire shortly before which leaves only a staff of three (3) (4 when you include the Register) which is not feasible during these difficult times. An additional person is needed in the office.
- Due to the large amount of mail being received, the heavy foot traffic, multiple in coming phone calls and the constant configuring of the new system all of the new employees have yet to learn their actual job as each day is filled with playing catch up from the day before.
- More Individuals filing in pro per, requiring additional counter time.
- State Court Administrators Office has mandated once again multiple new forms that are to be learned and implemented by the staff.

Judge of Probate – there are currently two judges of probate. Patrick J. McGraw is the current Senior Judge of the Probate Court. Judge McGraw handles all probate matters.

Judge Barbara Meter, the other Probate Judge, is assigned full time to the Family Division of the 10th Judicial Circuit Court and handles all family matters out at the Juvenile Center of the Family Division. Her budget is not included in mine.

Probate staff is now down from 7 to 4 employees (5 including the Register) since 1974 with duties and laws increasing! We desperately need one more clerk to replace one removed several years ago in order to meet the needs of the public.

TITLE: JUDICIAL ASSISTANT- CHERYL ALDEN

GENERAL SUMMARY

Under the supervision of the Probate/Family Court Judge which is a division of Circuit Court, Cheryl Alden acts as the judicial assistant for the Probate Court and 10th Judicial Circuit Court Family Division and is responsible for the operation of the Judge's office. She maintains the Judge's calendar and appointments, maintains his docket, types all correspondence, judgments and opinions, prepares all legal documents, has contact with the public through phone calls and screens all visitors. She is responsible for all docket entries on Circuit Court civil actions, swift & sure sanction probation program cases, personal protection orders, as well as all probate hearings and any juvenile hearings we cover. She is sworn as a Deputy Register for the Probate Court and is responsible for tracking all civil actions in the Probate Court including scheduling pretrial conferences, issuing pretrial orders and supervising the procession of the civil action. We have been implementing new generation forms so we can eliminate a person in the courtroom on PPO's. Cheryl now handles all paperwork with the Bailiff on PPO's.

The position also involves assisting in drawing juries, administering oaths, calls for verdicts and contact and maintenance of the jury during trials. She is present in the courtroom for all hearings, is responsible for making entries on each hearing and assists the judge during the hearings on any matters to be reviewed.

As Judge of Probate, Judge McGraw is in charge of recalls, appointments to Boards etcetera. The Judicial assistant is responsible for maintaining these records and files.

TYPICAL DUTIES

- Daily supervision of the judge's office, maintaining his calendar for appointments and hearings; obtain files for the court, coordination of hearings with sheriff department, attorneys, prosecutors as well as Department of Corrections.
- Responds to telephone calls and screens same for the court. Responds to questions and directs calls pertaining to matters involving Circuit Court personal protection orders, swift and sure sanction probation program, civil actions and all civil proceedings within the Probate Court. Communicates with the public, attorneys and other departmental staff and agencies. Screens all visitors.
- Prepares orders and judgments, sentencing documents and appeal pleadings. Preparation of voir dire and jury instructions as well as verdict forms. Typing opinions and orders as well as numerous other forms and correspondence. Proofreading documents for accuracy. Timestamping of documents.
- Serving as court clerk coordinating the operation of the courtroom, assisting in drawing a jury, administering the oaths; recording and documenting all proceedings in court including but not limited to entry of orders and judgments of trial results as well as the results of personal protection orders, civil orders, swift & sure sanction probation program judgements and hearings.
- Receipt of pleadings and documenting the same in the computer; noting motions, hearing dates, sentencings and other relevant occurrences and case record.
- Maintaining schedules, adjourning hearings, sentencings, arraignments. Maintaining trial dates and hearing dates with attorneys and other interested parties.
- Performing various filing and copying tasks together with providing true copies for attorneys; checking files before sentencings; ordering pre-sentencing reports; making files available for trial; returning files to the clerk's office and maintaining files in orderly and presentable fashion. Use of office machines such as computers, voice mail, typewriter, photocopier, stamp machine, fax machine and dictating equipment.
- Preparation of agendas and minutes for various committee positions currently held by the judge.
- Maintains judge's private law library.
- Sworn as a Deputy Register for the Probate Court
- Remain proficient with both Circuit and Probate technology systems for docket entries, which are totally different from one another.
- June 6, 2023, Odyssey Navigation system went live, and it has been a very challenging period in keeping up the Judge's docket for Circuit and Probate due to the functionality of the system and the way the system is set up. Multiple meetings have been attended on a weekly basis (skipping lunch hours) to keep up with training and voicing of issues that are continuously ran across when creating "Sessions" for the Courts Calendars.

TITLE: COURT REPORTER- THERESA SCHMUDE

GENERAL SUMMARY

Theresa Schmude has been the Saginaw County Probate Court/Circuit Court court reporter for many years. Her duties are to provide the verbatim official record of all proceedings as required by law before the Probate and Family Division Circuit Court, which are often of a technical nature, at a fast pace, utilizing real time technology. She provides immediate read back of all or portions of the record upon request. Prepares transcripts of proceedings upon request; certifies the accuracy of court transcripts and files official transcripts in the court file. Research's as necessary to verify case citations, spellings of legal, medical and other specialized terms used in the case. Ensures compliance with the requirements identified in MCR 8.108 (A-G) and is certified. She must be able to hear and distinguish words of various tones and volumes while maintaining a sustained high-speed reporting for long periods of time.

TYPICAL DUTIES

- Daily recording of all court proceedings, verbatim, using real time technology at a fast pace. She must organize and establish work priorities, works independently and under deadlines and must produce accurate information.
- Exercises sound judgment in applying court policies and procedures in compliance with Michigan statutes relating to court procedures and reporting services.
- Responds professionally and courteously to members of the Bar and the public.
- Typing for Judge in absence of secretary.
- Pulls the Files for the Judge's docket and reviews all files prior to the hearing, makes necessary phone calls for missing documents. Pulls files for the Registers docket as well. Judge has added this to her duties even though it is not in her job description. No other Court Reporter does this.

TITLE: BAILIFF- FRED MATA

GENERAL SUMMARY

Special Deputy Fred Mata is a bailiff provided to the Saginaw County Probate Court in my budget to provide security to the court, to direct people in the court as to their needs, to make sure that the money is safe and transported in the probate division and to provide

security for all employees. By virtue of my directive, he also provides security on the 2nd floor, assists the prosecutor in detaining prisoners or witnesses in our lock-up and assists and answers any emergency calls in the courthouse when he is available. This is a benefit not reflected in my budget but is an added benefit to many departments in the courthouse.

TITLE: PROBATE REGISTER-LaTECIA T. CIRILO

GENERAL SUMMARY

Under general direction from the Judge of Probate, assumes responsibility for the performance of the Office of the Probate Court, Estate Division and is authorized by the Judge to take testimony required by law or Supreme Court Rules in uncontested matters. Supervises a group of employees engaged in the intake, processing and maintenance of all Probate records, and is responsible to work with the IT (Information Systems and Services) Department on continuing requests of the SCAO (State Court Administrators Office).

TYPICAL DUTIES

- Responsible for administering, managing and supervising the functions of the Probate Court
- Remains proficient in new developments regarding the Probate Code, Mental Health Code, Michigan Court rules and the revision of new court forms
- Determines effectiveness of recordkeeping systems by working closely with IT department.
- Maintains, develops and implements existing and new programs required by State Court Administrator's Office (SCAO)
- Hears and preserves testimony in non-contested matters in the courtroom
- Assists with the overflow of the Judge's docket
- Act as Judge's gatekeeper in reviewing daily hearings for follow up procedures
- Prepares, maintains and monitors budget
- Oversees the ordering of supplies
- Prepares purchases orders and disbursement vouchers.
- Compiles statistics and prepares quarterly, bi-annual and annual reports as mandated by SCAO
- Oversees the collecting, receipting and depositing of funds
- Assists attorneys and employees with complex matters
- Answers questions of staff, attorneys, agencies, other offices and the public
- Appointed visiting clerk by State Court Administrator's Office
- Reviews daily reports for dispositions for caseload and caseload management systems for accuracy and effectiveness

- Coordinates development of internal recordkeeping systems.
- Processes disqualifications and assignments through SCAO
- Responsible for the probate docket
- Oversees the processing of scanning and dispositions regarding the record retention with Archives and SCAO guidelines.
- Attends seminars and workshops to remain proficient with the court rules, Mental Health Code and Estate & Protected Individual's Code revisions
- Responsible for hiring, training, promoting and disciplining staff
- Determines grievances and makes recommendation for termination and staff reassignments
- Sworn in as a clerk of the Family Court under an administrative order
- Drafts additional orders and/or forms-when a form is not available through SCAO
- Holds weekly conferences with attorneys and delinquent fiduciaries regarding deficiencies and/or misuse of funds and the need for appointment of a special fiduciary in order to recover assets
- Reviews documents taken in throughout the day by staff for compliance with statutes and court rules
- Sets dates for contracted attorneys-coordinates hearings with counsel, hospital and prosecutors
- Oversees the filing of accountings in deceased and conservatorship matters for questionable disbursements
- Fills in for the Judicial Secretary in the Court room when she is on vacation or unavailable.
- Analyzes files and makes recommendations in problematic cases to judge and/or staff
- Member of the Probate Court Register's Association and List Serve regarding current issues
- Logs on daily to the EPIC Questions & Answers web page
- Networks with other registers daily.
- Implementation of the new Tyler Odyssey System, learning the building and scheduling of reports, creating dispositions and event codes to have system run efficient for reports that are required by the State.
- Maintaining the New Munis system for payroll, budgeting and the update of Vendors information and the creation of contracts as well as issuing payment

TITLE: CHIEF DEPUTY REGISTER OF PROBATE- LISA M. REAGAN³

³ Deputy registers are NOT the same as clerks in other courts (who time stamp documents and file). Documents filed in Probate Court must be scrutinized for compliance with the statute, court rule and mental health code. Replacement requires experience.

GENERAL SUMMARY

Under the supervision of the Register of Probate, serves as a senior Deputy Register and substitutes for the Register of Probate in that official's absence. Performs the more complex clerical tasks in the Probate Estate Division, assists attorneys and the general public in the processing of Probate Court matters, and in non-contested matters listed in the Revised Judicature Act, may enter Orders after determining that all proper notices have been given and all requirements have been met. The Chief Deputy Register also supervises 3 deputy registers.

TYPICAL DUTIES

- Regularly performs duties of a Deputy Register, acting in the capacity of a senior worker, assisting and advising with more complex procedures
- Reviews files prior to scheduled hearing date for determination of required pleadings, notices, guardian ad litem reports, proofs of service and other various documents in order to hear the matter
- Issues receipts, balances cash and checks of Deputy Registers on a daily basis.
- Maintains a log sheet for monies received, by whom, the amount and date the check was issued
- Remains proficient with statutes, court rules and current forms
- Acts in the absence of the Probate Register
- Assists attorneys, other office and customers at the counter and by phone regarding procedures
- Prepares true copies and certified copies upon request
- Probate Court has over 100 forms presently; when filing, must be familiar with detailed forms for different case types and thoroughness
- Responsible for administering informal estates from commencement to closure.
- Sworn in as a Deputy Clerk regarding Family Court pleadings (Personal Protection Orders)
- Oversees the mentally ill filings & distribution of orders.
- Contact person for Mental Commitments. The primary Deputy Register who coordinates times and paperwork for Mental Health Commitments. Works closely with Saginaw County Mental Health, 83 other probate courts, hospitals in and out of county, out of county Community Mental Health Agencies, and out of county prosecutors. Sets up assignment
- Currently the only one that can handle the MI's. There has been no time available to cross train another Deputy, making this a huge liability without a backup.
- Processes all incoming monies on out of county residents under the mental health code
- Issues orders in uncontested matters not requiring testimony
- Assists public in genealogy over the counter, through mail, by phone
- Scans and indexes daily

TITLE: DEPUTY REGISTER – LORA HUSEN⁴

GENERAL SUMMARY

Under general supervision of the Register of Probate, performs the more complex clerical tasks in the Office of the Probate Court; Estate Division, assists attorneys and the general public in the processing of Probate Court matters, and in non-contested matters listed in the Revised Judicature Act, may enter Orders after determining that all proper notices have been given and all requirements have been met.

TYPICAL DUTIES

- Receives legal papers relating to Probate Court matters and reviews such document for accuracy, completeness and compliance with statutes and rules. Orders are issued in uncontested matters not requiring testimony
- Records all official papers of the Court
- Answers questions over the telephone and over the counter of attorneys, other agencies, and of the general public on matters related to Probate Court procedure
- Collects and receipts fees for a variety of Probate services
- Reviews files to determine progress of active cases, sends notices of delinquent cases to the attorney of record, the fiduciary, and other interested parties.
- Implements decisions of the Probate Judge and/or Register on delinquent cases by preparing notices or by closing cases
- Schedules hearings in estate matters, Mentally Ill and Developmentally Disabled
- Arranges for Court appointed attorneys
- Prepares certified copies of Court documents upon request.
- Prepares weekly deposit of funds for Saginaw County Treasurer.
- Assists in the review of files
- Assists public in genealogy at counter and by phone
- Responsible for show causes
- Prepares and orders office supplies according to the Register's request and approval
- Uses power point and excel for numerous projects as directed by the judge
- Appoints attorneys to investigate Adult Guardianships as required by MCR 5.408 and review such reports, presents to the Judge and follows up with orders and/or scheduling a hearing with the judge

⁴ Deputy registers are NOT the same as clerks in other courts (who time stamp documents and file). Documents filed in Probate Court must be scrutinized for compliance with the statute, court rule and mental health code. Replacement requires experience.

- Appoints DHHS to review minor guardianship files as required by MCR 5.404(E) each year until the minor attains the age of 6
- Prepares and removes Bench Warrants
- Assists in the absence of the Chief Deputy Register
- Scans and indexes daily

TITLE: DEPUTY REGISTER -AZAZLIA RAMIREZ⁵

GENERAL SUMMARY

Under general supervision of the Register of Probate, performs the more complex clerical tasks in the Office of the Probate Court; Estate Division, assists attorneys and the general public in the processing of Probate Court matters, and in non-contested matters listed in the Revised Judicature Act, may enter Orders after determining that all proper notices have been given and all requirements have been met.

Under the general supervision of the Register of Probate, performs a variety of assignments. Activities include filing daily papers, microfilming of all daily papers, cleaning and microfilming closed cases in accordance with specific instructions.

TYPICAL DUTIES

- Uses well defined practices for scanning of daily papers, filing and preparation of various confidential matters for the judge
- Prepares forms for the Judge and staff in order to keep SaginawCounty01 (FKA: Back Office) current
- In charge of record retention and disposal of Trial Court records per Guidelines established by MCLA
- Prepares and indexes wills for safekeeping, out going mail and certification of mailings
- Receives legal papers relating to Probate Court matters and reviews such documents for accuracy, completeness and compliance with statutes and rules
- Records all official papers of the Court and regularly performs a variety of typing tasks including legal documents
- Answers questions over the telephone and over the counter of attorneys, other agencies, and of the general public on matters related to Probate Court procedure
- Appoints DHHS (Department of Human Services) as directed by the register in delinquent matters, as a follow up procedure when failing to appear for court hearings
- Prepares informational pamphlets and booklets as requested

⁵ Deputy registers are NOT the same as clerks in other courts (who time stamp documents and file). Documents filed in Probate Court must be scrutinized for compliance with the statute, court rule and mental health code. Replacement requires experience.

- Schedules hearings in estate matters, arranges for Court appointed attorneys and schedules hearings in Mentally Ill, Developmentally Disabled
- Prepares certified copies of Court documents upon request
- Reviews files to determine progress of active cases, and follows up on delinquent cases when papers are not filed in a timely fashion
- Implements decisions made by the Probate Judge or Register on delinquent cases by preparing notice of conference, suspending powers of fiduciary, appointing a special fiduciary or by closing cases
- Retrieves the morning and afternoon mail, opens the mail and logs in checks, puts daily papers in order and files. Creates new files for brand new cases and moves files to closed section from open when case is completed. (rotates monthly with Lesleigh Harrington)
- Operates Scanner machine, microfilm reader and printer, terminal and photocopy machines
- Assist public in genealogy over the counter and by phone
- Oversees, maintains and processes all documents filed within civil actions
- Scans and indexes daily

TITLE: DEPUTY REGISTER –LESLEIGH HARRINGTON⁶

GENERAL SUMMARY

Under general supervision of the Register of Probate, performs the more complex clerical tasks in the Office of the Probate Court; Estate Division, assists attorneys and the general public in the processing of Probate Court matters, and in non-contested matters listed in the Revised Judicature Act, may enter Orders after determining that all proper notices have been given and all requirements have been met.

TYPICAL DUTIES

- Uses well defined practices for scanning of daily papers, filing and preparation of various confidential matters for the Judge
- Receives legal papers relating to Probate Court matters and reviews such documents for accuracy, completeness and compliance with statutes and rules
- Orders are issued in uncontested matters not requiring testimony
- Records all official papers of the Court and regularly performs a variety of typing tasks including legal documents
- Prepares and indexes wills for safekeeping, outgoing mail and certification of mailings

⁶ Deputy registers are NOT the same as clerks in other courts (who time stamp documents and file). Documents filed in Probate Court must be scrutinized for compliance with the statute, court rule and mental health code. Replacement requires experience.

- Answers general and complex questions by telephone and over the counter of attorneys, other agencies, and of the general public on matters related to Probate Court procedure
- Prepares certified copies, collects and receipts for fees for a variety of Probate services
- Reviews files to determine progress of active cases, and follows up on delinquent cases when papers are not filed in a timely fashion
- Implements decisions made by the Probate Judge or Register on delinquent cases by preparing notice of conference, suspending powers of fiduciary, appointing a special fiduciary or by closing cases
- Schedules hearings in estate matters, Mentally Ill and Developmentally Disabled
- Assists public in genealogy at the counter and by phone
- Cleans files in accordance with specific instructions by scanning and indexing
- Operates Scanner machine for old microfilm and prints photocopies, uses photo copy machine for copying and emailing
- Retrieves the morning and afternoon mail, opens it and logs in checks, puts daily papers in order and files. Creates new files for brand new cases and moves files to closed section from open when case is completed (rotates monthly with Azalia Ramirez)
- Scans and Indexes daily

Deleted position – a position was deleted by the Board in 2003. The results of that deletion have required this court to use overtime in the approximate amount of \$8,000 to \$10,000 in years we get behind. Fortunately, we were able to absorb that position somewhat by rearranging duties internally and by closing the office 15 minutes early each day to take care of accountings and money that is required to be done by the State Court Administration Office. Since Covid in 2021 and the back log it has created as well as the New Odyssey System we have backed that time up to 3:30pm for closing as this extra time is needed for the staff to keep up due to all of the rigorous changes caused by this new system.

4. FUTURE OF THE PROBATE COURT INSOFAR AS THE BUDGET MIGHT BE AFFECTED

As we all know, people are living longer, we have a depressed economy and crime seems to be on the upsurge.

Court is finding more indigent matters requiring the waiving of filing fees. The Court in essence is absorbing fees, guardian ad litem fees and court appointed counsel upon objections of the alleged ward and/or requests for modification or termination. Court must also cover costs if an independent exam is requested in incapacitated individual matters and mentally ill matters. This will result in more guardianships, conservatorships, will contests, as well as an increase in filings for personal protection orders, and divorces.

In hard times things seem to get busier in the court system and the court sees that trend continuing for a number of years.

I also see us going to more automation which will require even more money to automate our systems and keep up with current technology which has proven to be extremely challenging. It also has required more hearings in the courtroom and more work by the staff without the Judge's assistance. We currently scan every document, but we are switching to newer technology and that is being delayed as long as possible. We are also trying to receive more documents via e-mail and fax; however, that requires more training and education for staff. We will be required to be paperless in this next year or two. Federal Court is already paperless. One of the newest items I am attempting to do is do remote hearings while on vacation or at seminars. I am required to do mental commitments every 7 days which requires getting a visiting judge. Because of the budget, we have been trying to avoid getting visiting judges and I have been returning on Wednesdays if I am gone for any reason to do those hearings in order to save money for the county and save the expense to our office. **We are now able to do most hearings remotely, saving money on visiting judges, but requiring me to be available 24/7. Our budget has no money for visiting Judges. This will be a challenge this year in 2023 as the only Circuit Judge that handled cases for me when I was gone has now retired.**

I indicated in 2008 there would be a turnover of staff over the next two years which would require this Court to train at least 2 to 3 people over the next 2 years. That did occur. As stated, the Probate Register of 49 years retired on July 29, 2022, and two Deputy Registers left, one with 20 years of experience and the other with five. My staff are not just clerical workers, but they also have legal knowledge and the ability to grasp legal knowledge and deal with professionals that come into this office, which includes attorneys, accountants and bankers. They constantly review pleadings filed by attorneys as well as accounts filed by attorneys, and accounts filed by the public. Their skill level needs to be higher than any clerical worker at their pay level in the courthouse, although they are not compensated for their expertise. **Now, in 2023, we are still short staffed and busier than before which makes it very hard to allow proper vacations or time off. We need one more staff person.**

VALUE OF PROBATE COURT TO **COUNTY OF SAGINAW**

Probate serves the County's vulnerable

- elderly
- young
- developmentally disabled
- mentally ill
- poverty stricken
- children without parents

JUDICIAL RECOMMENDATION REPORTS

The State looks at each county every two years to make a recommendation to the legislature to add or delete judges when necessary. What the county needs to know is that a Probate Judge salary is paid 100% by the STATE. Other judge's salaries are only paid a percentage by the STATE. Therefore, a recommendation to cut a Probate Judge does not save that judges salary for the county.

7. CONCLUSION

It is felt that the Probate Court has fiscally managed its moneys, fiscally managed its employees, and has reduced the counties budget immeasurably over the last several years. I have saved the county moneys on travel and lodging by speaking at various events and writing chapters in publications which has resulted in free lodging and travel on many occasions. However, as you know the state is also cracking down on reimbursement and I have cut down some of that activity due to not being reimbursed. As a mandated activity of the state, we are already below what we need for employees. We are exploring ways to add a staff member to Probate to allow vacations and stop the huge accumulation of PTO. We are a Court – therefore not an income producing department. We will continue to do our best at serving our constituents despite the lack of resources.

Respectfully submitted,



HON. PATRICK J. McGRAW

PROBATE COURTS INTERACTION
WITH OTHER COUNTY DEPARTMENTS & BUDGETS

1. Circuit Court/Family Division
 - Underground Railroad – PPO office – cannot eliminate due to request for additional staff from several departments!
2. Assigned Counsel
 - PPO violations
 - SSSPP Court
3. Prosecuting Attorney
 - MI hearings
 - PPO violations
 - DD hearings
 - Victim right investigations
 - SSSPP Court
4. Public Works
 - Drain assessment appeals
5. Sheriff Department
 - Bailiff/training
 - Transport MI's
 - Transport PPO/SSSPP
 - Guard PPO/MI/SSSPP
 - Lien entry – GD/PPO/MI
 - Jail – contempt/PPO/SSSPP
 - Special Sergeant for SSSPP
6. MDOC
 - Swift & Sure
 - Probation violation hearings and sentencings
 - Agent interaction for prisoners/presentence reports
7. MSU Extension
 - Receives referrals for parenting classes & programs
8. Mental Health Authority
 - Petitions/applications
 - Hearings
 - Video
 - Out County of Saginaw Healthsource
 - Forensic Court orders
 - Various other counties, co
9. Treasurer
 - Property tax foreclosures
 - Deposits
10. Clerks office
 - Filings
 - Name changes
 - Death Certificates
 - Weekly files which cross/minor guardianship
11. Soldier & Sailor Relief Appointments
12. Funeral Homes

13. Controller's Office
14. CMH
 - Supervisors
 - Clerical Staff
15. IT Department
16. SCAO
17. Board of Commissioners

SUGGESTIONS

- a. One county insurance plan for new, current, retired employees
(Suggested in 2008)
 - Same deductible
 - Same co-pays
 - Same flex plan
 - Same payments now and at retirement
- b. Set up Healthcare savings plan for retirement with county match (After you do above!)(Suggested in 2008)
 - May be able to do free dental
 - May be able to do free eye
- c. Mandatory shut down of building
 - 2 weeks at Christmas/New Year's cost of 5 days' pay
 - 1 week in summer
 - 3 weeks saving on building; 3 weeks savings with holiday on wages
- d. Provide a list/budget of all "non-mandated" county moneys prior to budget sessions.
- e. Add an employee to Probate Court

(D)

PROBATE COURT POSITION BREAKDOWN

<u>Employee</u>	<u>Title</u>	<u>Grade</u>	<u>Hiring Rate</u>
LaTecia Cirilo	Register	B20U	\$72,419.00
Theresa Schmude	Court Reporter	B13V	\$45,099.00
Cheryl Alden	Judicial Assistant	T13A	\$45,099.00
Lisa Reagan	Chief Dep Register	T13A	\$45,099.00
Lora Husen	Deputy Register	T08A	\$32,154.00
Lesleigh DeCaire	Deputy Register	T08A	\$32,154.00
Azalia Ramirez	Deputy Register	T08A	\$32,154.00
Frederick J. Mata	Bailiff	T12A	\$42,148.00

(E)



**SAGINAW COUNTY
EMPLOYMENT OPPORTUNITY**

QUALIFIED REGULAR OR PART-TIME EMPLOYEES MAY APPLY FOR THIS POSITION AT THIS TIME.

JOB TITLE: Legal Specialist I (101111)	DEPARTMENT: County Clerk	DATE POSTED: 1/31/23
CLASSIFICATION (GRADE): T09A	SALARY: \$16.54 - 21.78 per hour	
TYPE OF EMPLOYMENT:		
REGULAR FULL-TIME <input checked="" type="checkbox"/>	REGULAR PART-TIME <input type="checkbox"/>	PART-TIME <input type="checkbox"/> TEMPORARY <input type="checkbox"/>

WHERE TO APPLY:

Qualified individuals must complete a County application and return it by: **1)** Applying online at [Saginaw County Secure Portal](#); **2)** Placing it in the drop box located outside the courthouse main entrance; **3)** Mailing to Personnel Division of the Controller's Office, Saginaw County Governmental Center, 111 South Michigan, Saginaw, Michigan, 48602; or **4)** Faxing to 989-790-5566. Deadline to apply: **February 7, 2023.**

DESCRIPTION:

Performs intermediate administrative support work assisting the legal process by providing courtroom and judicial support for assigned department, and related work as apparent or assigned. Work is performed under the moderate supervision of the assigned personnel.

ESSENTIAL FUNCTIONS:

- Provides customer service support by answering phones and emails, assisting customers with questions and data requests, scheduling and verifying appointments or hearings, and directing customers to appropriate department or course of action.
- May respond to Freedom of Information Act (FOIA) requests. Maintains confidentiality of all files and information.
- Performs general office duties such as preparing correspondence, emails, paperwork, etc.; processing mail; maintaining files or logs; uploading documents; performing data entry; preparing copies or faxes; and updating charts, files, records, etc.
- Maintains and updates database of information relating to office, department, agency, or program. Performs basic searches for information. Interprets documents, compiles data, and prepares reports. May maintain inventory of Court recorded hearings.
- May maintain a cash drawer and process and track payments. May act as a backup to others in area or department; and assisting in training new staff.
- Performs specialized department, agency, or program specific legal administrative work.
- Administers criminal record checks, sets Judges' schedules, and processes passports. Reports divorces/annulments to state monthly.

MINIMUM OR SPECIAL QUALIFICATIONS:

Education: High school diploma or GED.

Experience: Minimum of one to three years' of experience in a legal setting.

AN EQUAL OPPORTUNITY EMPLOYER

PLEASE POST IN AN ACCESSIBLE AREA FOR EMPLOYEES