

**LOCAL RULES OF THE OAKLAND PROBATE COURT
EFFECTIVE MAY 1, 1992**

Rule

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RULE 2.402 USE OF COMMUNICATION EQUIPMENT

(A) Scope. The Oakland County Probate Court will permit the filing of documents by the use of the court's facsimile (fax) communication equipment.

- (1) Documents permitted for filing by facsimile communication equipment include pleadings, petitions, motions, affidavits, opinions, orders, and other documents in the probate or juvenile courts.
- (2) Documents, which require a filing fee, will not be accepted for filing unless the filing fee is received simultaneously.

(B) Method.

- (1) All facsimile transmissions must be accompanied by a fax transmittal sheet which includes the following information: name of the person or department for whom the fax is intended, type of document, case name, case number, number of pages in the transmission, and the name, address, and telephone number of the sender.
- (2) All facsimile documents received by the court's facsimile equipment prior to 4:30 p.m. on a business day shall be considered filed that day. Documents received after 4:30 p.m. or received when the court is closed shall be considered filed on the first business day thereafter.
- (3) All facsimile documents received shall be file-stamped by a court employee if the documents meet the filing requirements.
- (4) All documents transmitted shall be 8 1/2 by 11 inches and a maximum length of fifteen (15) pages per transmission, excluding the transmittal sheet.
- (5) The transmitter of the facsimile documents is responsible for retaining the original document for purposes of court review.

(C) Fees. No fee will be charged by the court for receiving a facsimile transmission.

(D) Signature. For purposes of MCR 2.114, a signature includes a signature transmitted by facsimile communication equipment.

[Adopted effective April 4, 1996]

RULE 3.205 PRIOR AND SUBSEQUENT ORDERS AND JUDGMENTS AFFECTING MINORS

(A) Venue. This rule applies whenever the prior and subsequent courts are Oakland County courts.

(B) Notice to Prior Court, Friend of the Court, Juvenile/Probate Register, or Prosecuting Attorney.

- (1) As used in this rule, "appropriate official" means the Friend of the Court, juvenile/probate register, or Prosecuting Attorney, depending on the nature of the prior or subsequent action and the court involved.
- (2) If a minor is known to be subject to the prior continuing jurisdiction of an Oakland County court, the plaintiff or other initiating party must file written notice of proceedings in the subsequent court with
 - (a) the clerk or register of the prior court, and
 - (b) the appropriate official of the prior court.
- (3) The notice must be filed at least 21 days before the date set for hearing. If the fact of continuing jurisdiction is not then known, notice must be given immediately when it becomes known.
- (4) The notice requirement of the subrule is not jurisdictional and does not preclude the subsequent court from entering interim orders before the expiration of the 21-day period, if required by the best interests of the minor.

(C) Prior Orders.

- (1) Each provision of a prior order remains in effect until the provision is superseded, changed, or terminated by a subsequent order.
- (2) A subsequent court must give due consideration to prior continuing orders of other courts, and may not enter orders contrary to or inconsistent with such orders, except as provided by law.

(D) Duties of Officials of Prior and Subsequent Courts.

- (1) Upon receipt of the notice required by subrule (B), the appropriate official of the prior court
 - (a) must provide the assigned judge of the subsequent court with the docket sheet;
 - (b) may appear in person at proceedings in the subsequent court, as the welfare of the minor and the interests of justice require.
- (2) The appropriate official of the prior court shall furnish documents upon request of the subsequent court.
- (3) Upon request of the prior court, the appropriate official of the subsequent court
 - (a) must notify the appropriated official of the prior court of all proceedings in the subsequent court, and

- (b) must send copies of all orders entered in the subsequent court to the attention of the clerk or register and the appropriate official of the prior court.
- (4) If a circuit court awards custody of a minor pursuant to MCL 722.26b; MSA 25.312 (6b), the clerk of the circuit court must send a copy of the judgment or order of disposition to the probate court that has prior or continuing jurisdiction of the minor as a result of the guardianship proceedings, regardless whether there is a request.
- (5) Upon receipt of an order from the subsequent court, the appropriate official of the prior court must take the steps necessary to implement the order in the prior court.
[Adopted effective November 1, 1995]

1995 Staff Comment

Local Court Rule 3.205 of the Sixth Judicial Circuit and the Oakland County Probate Court was adopted at the joint request of those courts.

RULE 5.503 ADJOURNMENTS IN THE ESTATES DIVISION

- (A) General.** This rule governs adjournments in the estates division of the Oakland County Probate Court. Adjournments of hearings shall be limited to those situations where the party requesting adjournment demonstrates verifiable good cause. Where the court has issued an order to show cause, adjournments may be only granted by the judge at hearing.
- (B) Adjournment Request Procedure in the Estates Division**
 - (1) All requests must be made in writing or by telephone.
 - (2) Subject to the limitations set forth in subrules (B)(3), and (D) all requests for adjournment will be acted upon by the deputy probate register with oversight by the manager of estates and mental health, or, in the manager's absence, by the division's staff attorney.
 - (3) Only the assigned judge has the authority to approve:
 - (a) requests submitted within 24 hours of the scheduled hearing,
 - (b) requests involving contested matters, or
 - (c) requests made during a hearing.
 - (4) The form of the request for adjournment must conform with MCR 2.503(B)(2).
 - (5) A stipulation and a proposed order for adjournment will be accepted from any party to the stipulation.

(C) Adjournment Requests From Attorneys of Record.

- (1) An attorney of record who seeks an adjournment shall contact the court by telephone or in writing. An attorney who contacts the court in writing shall submit a stipulation and a proposed order.
- (2) If the request for adjournment is made by telephone, the requesting attorney shall immediately prepare a stipulation and proposed order and forward it to the court.
- (3) If the request is made in writing through a stipulation and a proposed order, it will be acted upon in accordance with subrule (B)(2) or (3).

(D) Adjournment Requests From Unrepresented Parties.

When a party not represented by an attorney requests an adjournment, either in writing or by telephone, the request shall be received and acted upon by the deputy probate register.

(E) Adjournment to Date Certain.

If the court grants an adjournment, it shall simultaneously establish and adjourned hearing date.

- (1) Court employees handling the request must coordinate the adjourned date and time with the assigned judge's court calendar.
- (2) The adjourned hearing date shall be no more than 28 days after the originally scheduled date.
- (3) If the adjournment occurs at a hearing, the court shall announce the adjourned date on the record.

(F) Sanctions for Noncompliance.

Failure to file the required stipulation and proposed order by the hearing date may result in court-imposed sanctions, including but not limited to dismissal of the petition, costs, and/or fees. If a petition dismissed under this rule is later refilled, a new petition filing fee must be paid.

(G) Statistical Monitoring.

The court staff may record and catalog all requests for adjournment as to party, reason, and result.

[Adopted effective May 1, 1992]

1992 Staff Comment

Local Rule 5.503 of the Oakland Probate Court was adopted in 1992 at the request of that court.