

ALLEGAN COUNTY

PROBATE COURT 2023 REPORT



*Hon. Michael L. Buck
Alicia Blik
Jonathan K. Blair
Jennifer Callaway
Jennifer White
Thomas Moore*

Mission Statement

The mission of the Allegan County Probate Court is to administer justice with fairness, equality, and integrity, to resolve matters before the court in a timely manner, and to provide courteous and prompt service in a manner that inspires trust and confidence.

Goals

- To process all matters within the time guidelines set by the State Court Administrative Office
- To ensure the compliance of Court-appointed fiduciaries with statutes and court rules, in order to safeguard protected individuals and their property
- To provide excellent customer service to all those with business before the Court

Operational Goals of the Court

- Increase access to Court with a State provided e-filing system.
- Continue to update the website to make it easier for the public to obtain and file the documents they need for Probate Court.
- Increase access to Court with a public kiosk for record searches
- Increase compensation for Court Appointed Attorneys
- Increase the number of available Public Guardians and oversight thereof.
 - In 2021 we lost 1, but added 3
 - In 2024 we are losing two with no replacements in site.
- Increase collections on Court ordered fees and costs.
- Continue to Decrease operating costs with the use of remote proceedings and digital document handling.



Probate Court Authority

Article VI Section 15 of the Michigan Constitution provides that “the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law.” Through the promulgation of the Estates and Protected Individuals Code (EPIC), the Mental Health Code, and other acts, the legislature has conferred jurisdiction to the Probate Court over:

- **Safekeeping of Wills**
- **Decedent Estate Proceedings**
 - Supervised Estates
 - Formal Estates
 - Information Estates
 - Small Estates
- **Civil Actions**
- **Trust Proceedings**
- **Guardianship Proceedings**
 - Minor Conservatorships
 - Adults Guardianships
- **Guardianships of Incapacitated Individuals (adult guardianships)**
- **Protective Orders**
 - For minors Protective Orders
 - Adult Protective Orders
- **Conservatorships**
 - Adult Conservatorships
 - Minor Conservatorships
- **Guardianships of Individuals with Developmental Disabilities**
- **Involuntary Commitments of Mentally Ill Persons**
 - Transport Orders
 - Adjudications of Mental Illness
 - Jury Trials
 - Kalamazoo Psychiatric Hospital Coverage
- **Drain Appeals**
- **Secret Marriages**
- **Registration of Foreign Birth**
- **Safekeeping of Election Records**
- **Committee Appointments**
 - Boundary Commission
 - Veterans Counsel
- **Adoptions**
 - Adoption record requests
 - Appointment of uninterested facilitators.



Probate Judge Honorable Michael Buck



Michael (Mike) Buck was elected Allegan County Probate Judge in 2000, upon the retirement of Hon. George Greig. Mike currently serves as Chief Probate Judge, Presiding Family Court Judge, and Chair of the Allegan County Judicial Council. Before becoming a judge, he served over 20 years as an Allegan County Assistant Prosecuting Attorney. In that time period, he successfully handled cases from drunk driving to first degree murder. He specialized in cases involving abuse of children, making his current responsibilities as Presiding Family Court Judge, a natural fit. In addition to presiding over cases involving neglect and abuse of children, Judge Buck's authority includes adoptions, name changes, juvenile delinquency, wills, trusts, guardianships, mentally ill proceedings, and the safekeeping of election results for delivery to the Allegan County Board of Canvassers.

Judge Buck was born and raised in Southwest Michigan. He has worked many different jobs on his career path to the bench: caddied for golfers, cleaned offices and bathrooms as a janitor, worked all hours of the day and night as a security guard, pumped gas at a marina, cleaned animal pens at an amusement park, and labored at various factory jobs. He majored in Psychology and received his Teaching Certificate while attending the University of Michigan. He received his law degree from Cooley Law School, while working full time. His interest in Family Law began early, as his parents provided a home for foster children and successfully navigated the adoption process. Mike especially enjoys making each and every adoption hearing a real celebration

Sadly 2024 is the last year of Judge Buck's late term. Having touched tens of thousands of lives, his legacy will continue.



Probate Staff



Jonathan Blair
Probate Administrator

- Probate Register
- Family Court Attorney Referee
- Courthouse BSST lead

- Joined in 2019



Jennifer Callaway
Deputy Register

- Minor Guardianships
- Minor Conservatorships
- Minor Protective Orders
- Mentally Ills
- Delay Marriages/ Foreign birth

- Joined in 2012



Jennifer White
Deputy Register

- Adult Guardianship
- Adult Conservatorships
- DD Guardianships
- Adult Protective Orders

- Joined in 2018



Alicia Blik
Judicial Secretary

- Probate and Family Court recording
- Maintaining docket
- Invoicing

- Joined in 2020



Thomas Moore
Court Specialist

- Estates and Trust
- Family Court Window
- Coverage for Circuit Assignment Clerk

- Joined in 2022



GALS

In order to conduct investigations, make findings, and make recommendations in adult and minor conservatorships, guardianship, and protective orders, the Court uses independent contractors that as Guardian Ad Litem. This is a labor of love, as there simply are not enough cases to provide full time work in this area, so the Court is exceptionally grateful for the time the following individuals dedicate to the Court:

Kevin Miller, formerly with Allegan County DHHS

Sue Horton, formerly with Allegan County DHHS

Ken Prins, formally with the Allegan Family Court

Ray Passkiewicz, formally a social worker

Linda Hays, former Allegan County Probate Register

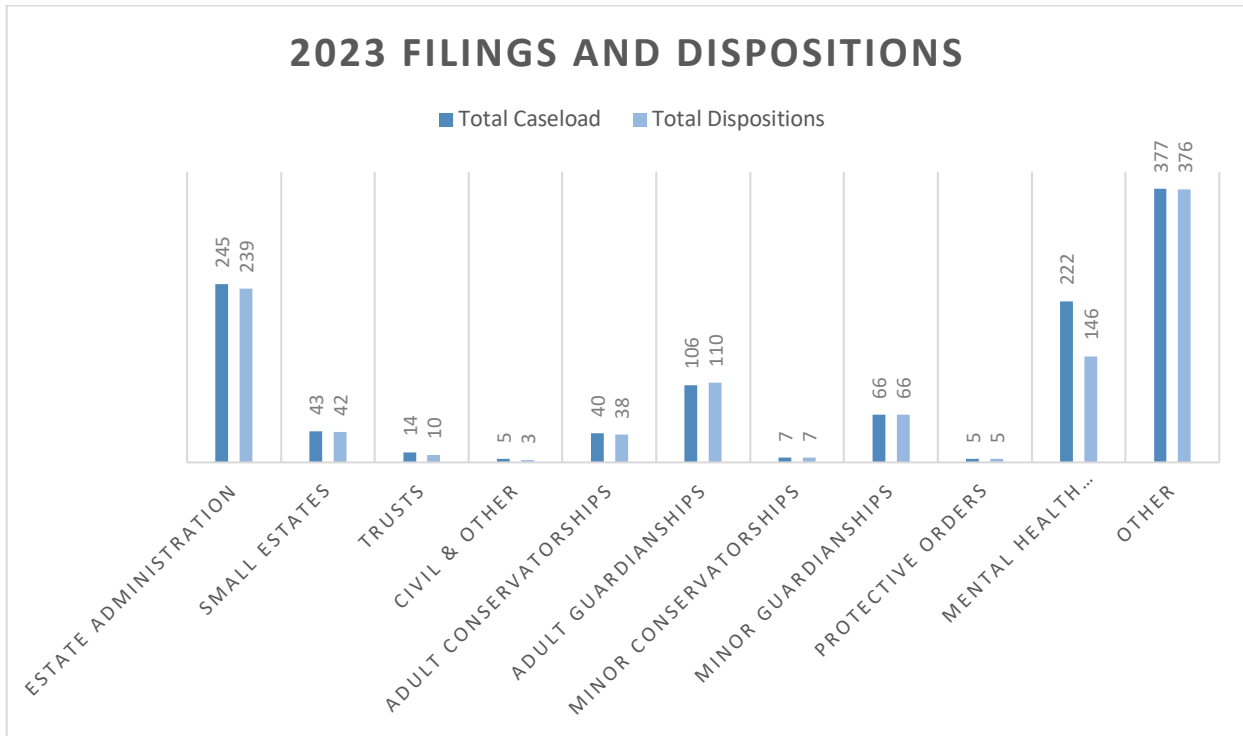
Thankfully, during the 2023 budget preparation process this Board approved additional funds and the Court was able to increase GAL pay for the first time in over a decade.

AGALS

The Court also appointed Attorney Guardian Ad Litem, for all developmental delayed, some conservatorships and guardianships. As such the court would like to thank the Christopher Antkoviak, Alice Barnal, Morgan Maul, and Sharmila Rajani. Without their services the Court simply could not continue to function.



Probate Court Caseload

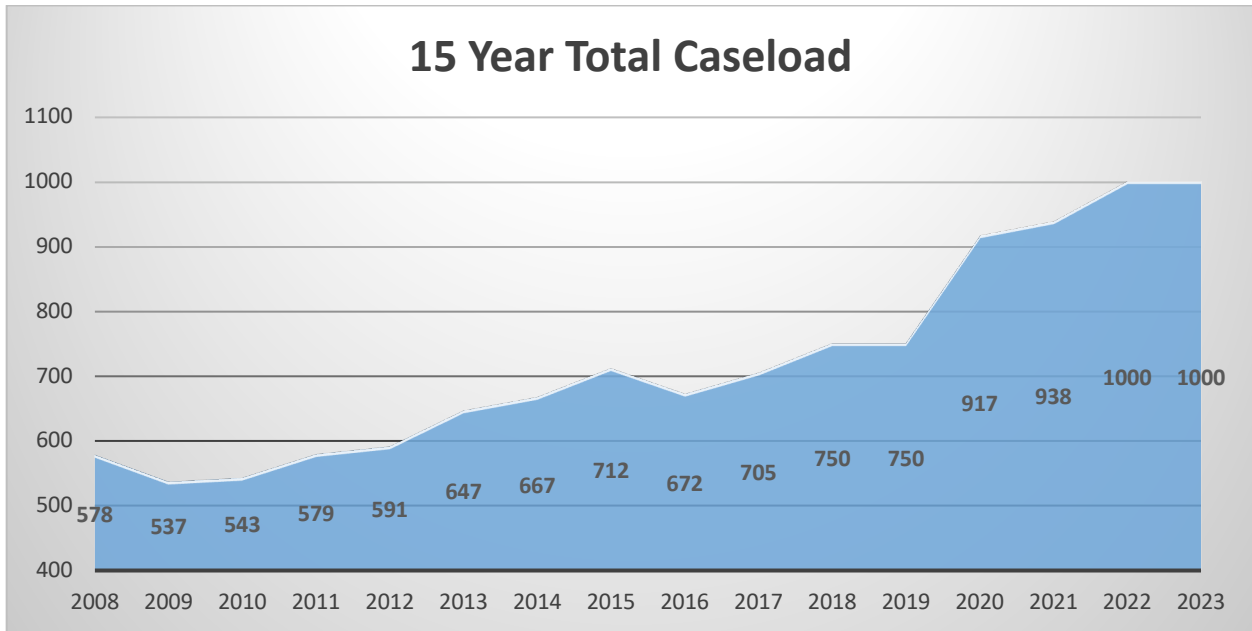


In 2023 the Probate Court handled a total of 935 new filings. This is consistent increase since 2012 when the Court had 591. The majority of these were comprised of decedents' estates (288.), mental health proceedings (222); and adult guardianships remaining consistent. There was a reduction in minor guardianships, which is concurrent with the decrease in neglect filings details previously by the Family Court.

The light blue represents the total dispositions, or resolutions for cases. The Probate Court disposition rate exceeds the SCAO recommended standards and is above average for the State. Some cases will always be pending at reporting time, and some cases will always take longer than expected, but the Probate Court consistently clears in the 90's, while 2023 saw a 92% disposition rate.



Caseload Trends

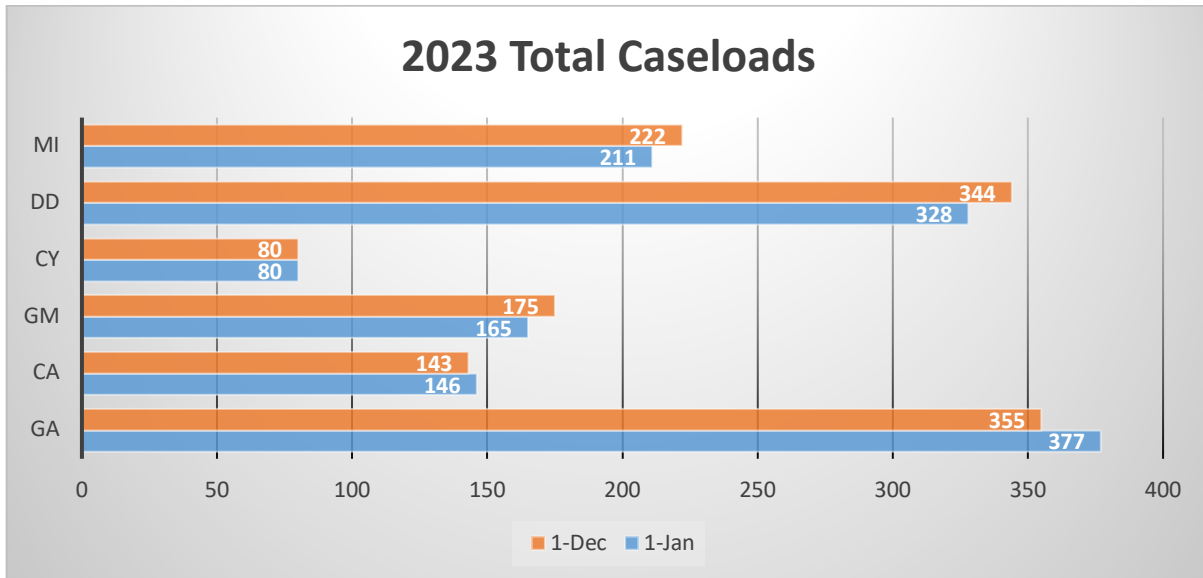


In prior years the caseload had been consistently rising. There were 647 new and pending cases handled by the Court in 2013 to 2023's 935, which represents a **44%** increase in overall caseload.

These numbers only represent the NEW filings for 2023 – other cases are still pending:

Type	1-Jan	1-Dec
Estates and Trusts	751	798
GA	377	355
CA	146	143
GM	165	175
CY	80	80
DD	328	344
MI	211	222





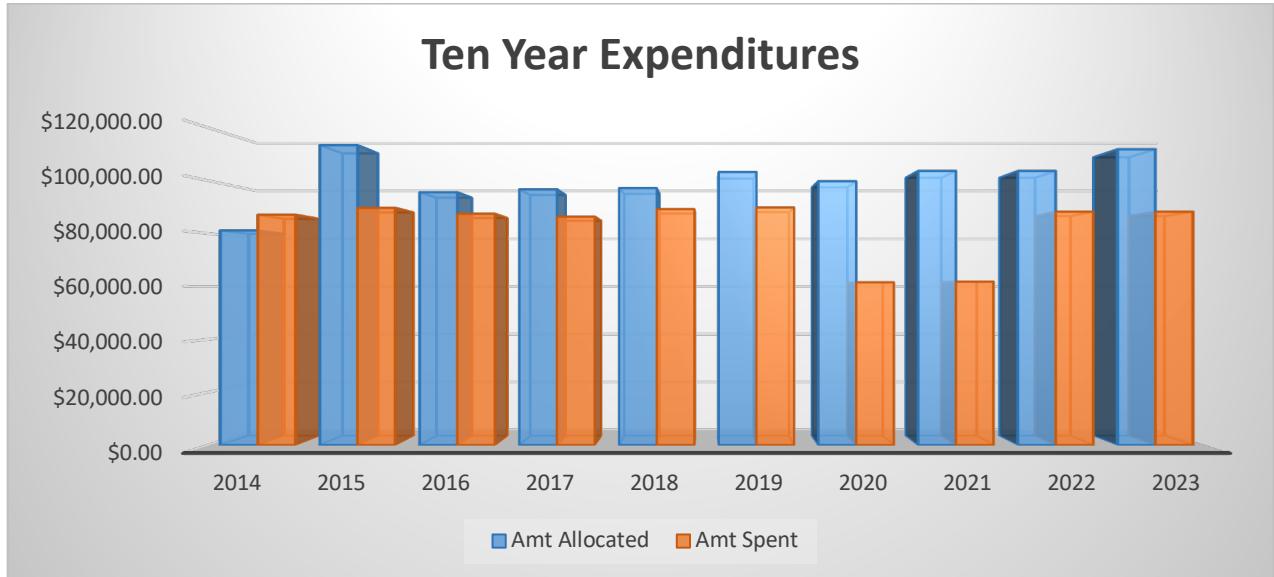
Thus at any given time the Probate Court has about **2117** open and active cases. There are numerous other non-active cases as well.

Another duty of the Probate Court is to maintain Wills for Safekeeping, during the 2023 year the probate Court collected 208 Wills. The Probate Court must maintain sealed wills, totaling in the many thousands.



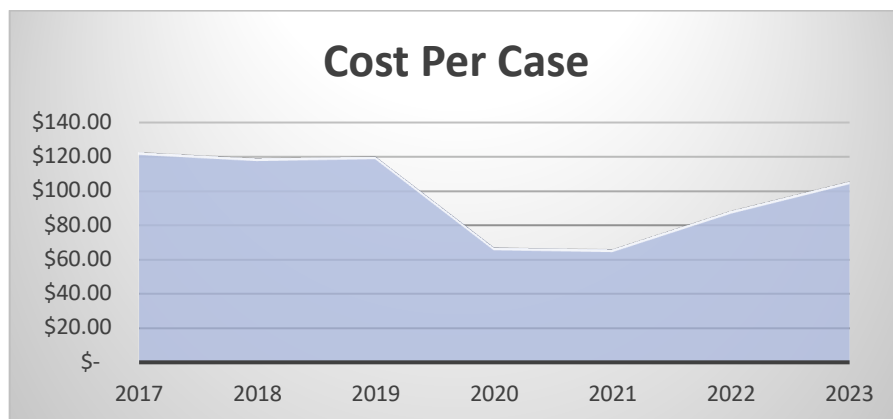
Expenditures

Below are charts showing the allocated operational budget for the Probate Court, actual expenditures, revenues budgeted, and the actual revenues collected from 2014 to 2023.



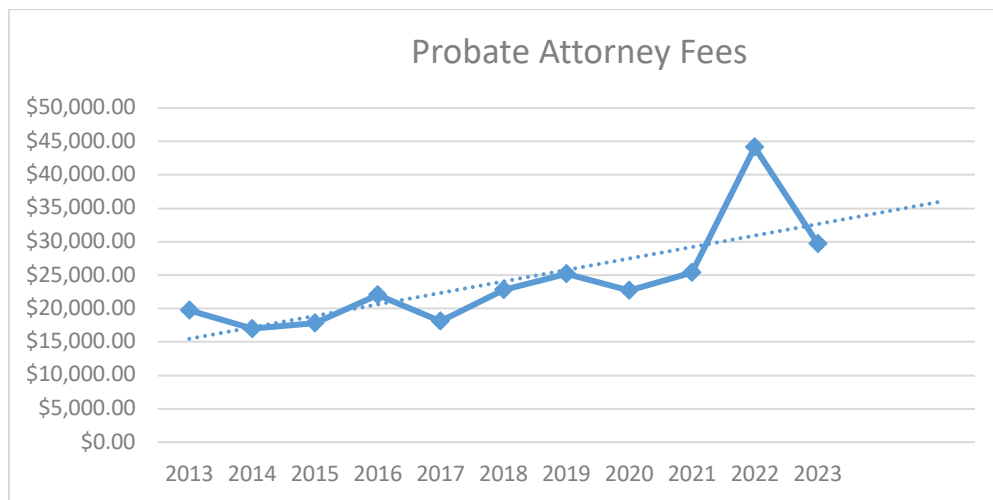
Overall, expenditures were slightly increased, but remain consistent for Probate Courts. The biggest cost is further addressed in the Attorney and Gal Fees section below.

Cost Per Case



Between 2021 and 2022 there was large change in the cost per case, \$64.87 v \$88.24 Part of this is economic situations. The Court’s consumables (file folders, case stickers, etc.) have doubled in the past year. That trend continued in 2023. Overall costs increase.

Attorney and GAL Fees



As always, Attorney Fees continue to be the single largest expenditure for the Court. In 2013 the Court expended \$16,420 on Attorney fees. In 2024 that cost was about \$45,000 – a 142% increase. The Court is legally and ethically obligated to provide attorneys in many cases to protect the respondent/ward’s rights.

The Court relies on the hard work from these individuals to provide necessary services. While the overall cost is high, the amount paid to individuals is relatively low. Our current fee structure is actually one of the lowest in the area. Currently the Court only has one attorney, Ms. Sharmila Rajani, who is willing to be appointed to mentally ill proceedings at the current rate. State law requires that the Court provide respondents in mentally ill proceedings get legal counsel.

In 2023 the Court paid GALs a total of \$13,254.24 in fees.



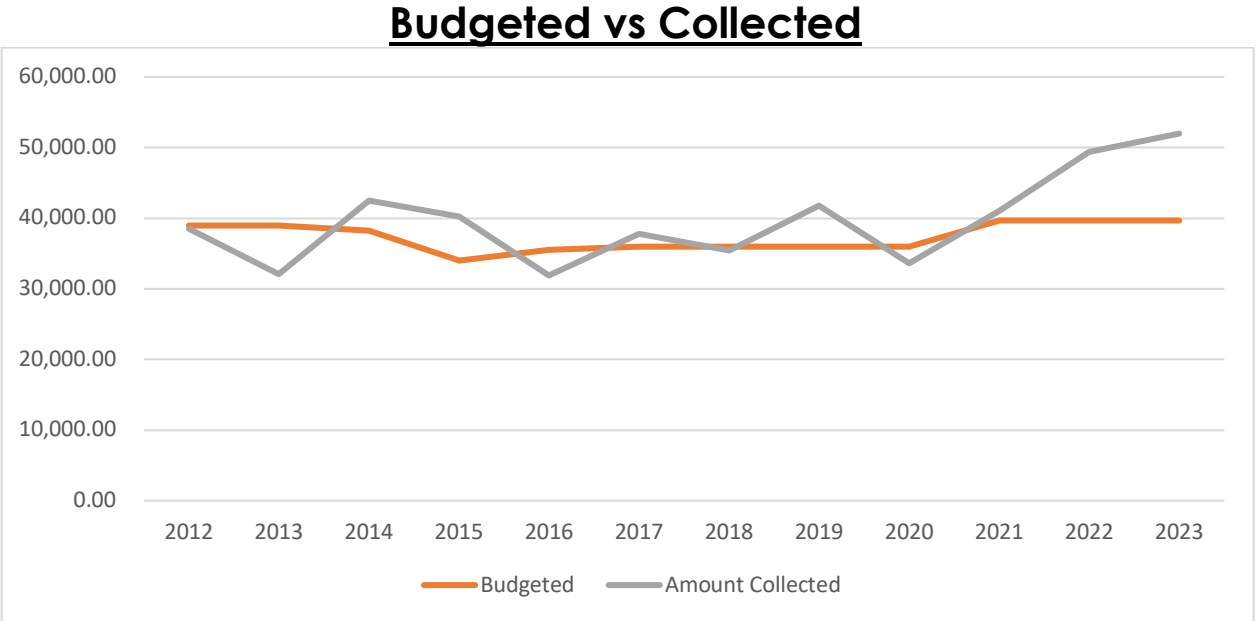
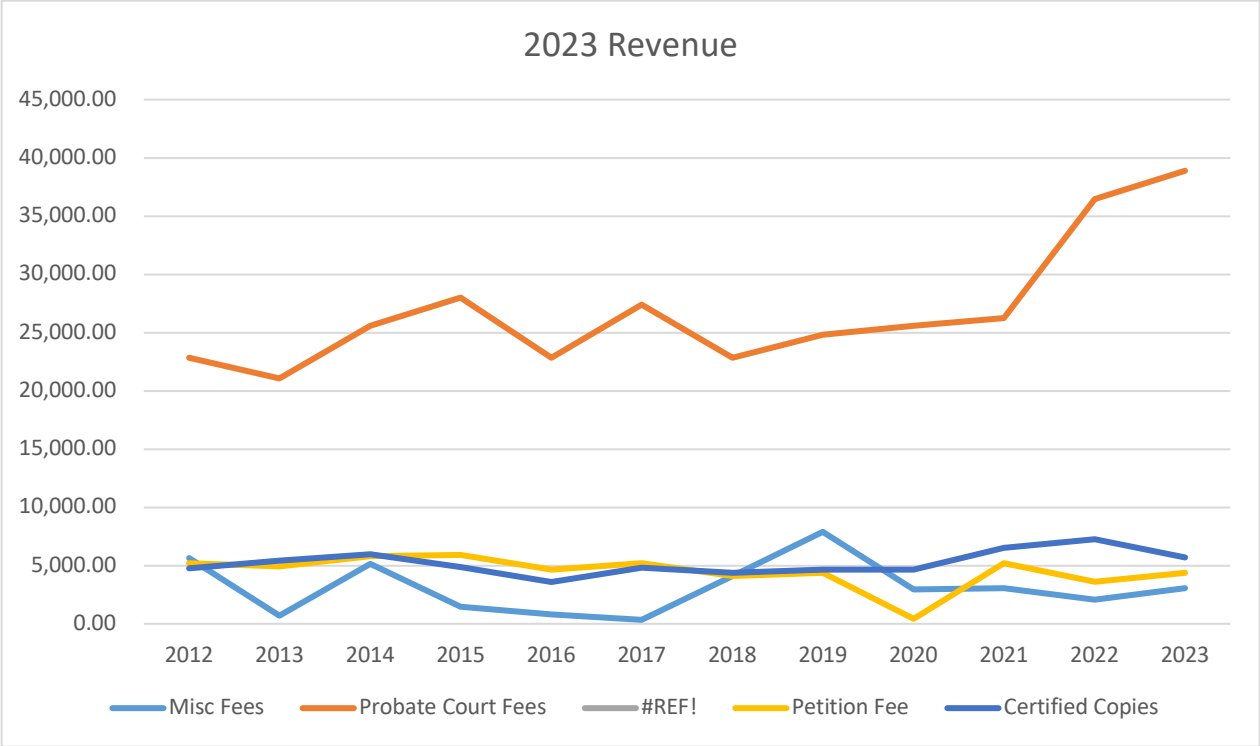
Revenues

Although most of the Probate Court’s revenues are dependent on filing fees and requests for copies, during the past five years the Court has collected an average of \$38,555.02 per year, and exceeded the average amount it has budgeted for revenue collection over the past 10 years. The Court is hoping to add staff to allow further collections.

2022 saw a revenue reduction that was due to the Pandemic. Under temporary court rules the Court was allowed to accept digital copies and send the same, which led to a reduction in transactional fees. However, 2023 saw a return to the prior increasing trend. 2023 represented the highest amount of fees ever collected by the Probate Court.

PROBATE REVENUES						
Year	Misc Fees	Probate Court Fees	Petition Fee	Certified Copies	Budgeted	Amount Collected
2012	5,657.72	22,858.40	5,198.80	4,760.40	39,000.00	38,475.32
2013	708.52	21,061.18	4,916.04	5,419.60	39,000.00	32,105.34
2014	5,131.04	25,608.96	5,800.99	5,985.38	38,250.00	42,526.37
2015	1,438.00	28,021.11	5,910.60	4,864.35	34,000.00	40,234.06
2016	811.45	22,853.84	4,638.22	3,587.00	35,500.00	31,890.51
2017	338.18	27,412.05	5,195.45	4,833.75	36,000.00	37,779.43
2018	4,085.49	22,832.18	4,122.00	4,351.00	36,000.00	35,390.67
2019	7,893.42	24,805.65	4,358.20	4,670.50	36,000.00	41,727.77
2020	2,929.30	25,573.68	428.24	4,663.00	36,000.00	33,594.22
2021	3,078.50	26,242.85	5,193.15	6,509.00	39,670.00	41,023.50
2022	2,047.00	36,467.00	3,586.00	7,258.00	39,670.00	49,358.00
2023	3,034.00	38,886.00	4,359.00	5,702.00	39,670.00	51,981.00
Average	3,096.05	26,885.24	4,475.56	5,217.00	37,396.67	39,673.85





Attorney Fee Recovery for Mental Health Proceedings

Last year the Court began utilizing a free online accounting tool geared toward small businesses called **Wave**. This website has assisted the Court in generating and tracking invoices for reimbursement of the attorney fees it pays in connection with mental health proceedings. Like most things the Pandemic decreased collections, but overall this recovery system has been beneficial for the Court.

Court's professional guardian reimbursement program

Since 2017 the Court has greatly benefited from funding the County provided for its professional guardian reimbursement program. This allows guardians to be reimbursed up for \$60 per month per ward for services provided. Without this service professional guardians and thus any guardian would be unavailable for a number of wards. In 2019 six guardian services were able to use the program to provide for 42 wards. This has increased to 45 in 2020 and 51 in 2021. For 2023 the court provide 9 different public GALs compensation for their services, services for which they would not be paid.



Current Information and Key Contacts

Allegan County Probate Court

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<http://cms.allegancounty.org/sites/Office/Probate>

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