

2021 ANNUAL REPORT



ALLEGAN COUNTY PROBATE COURT



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

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 courts rules, in order to safeguard protected individuals and their property
- To efficiently process and adjudicate all matters before the Court
- To provide excellent customer service to all those with business before the Court

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:

- Decedent Estate Proceedings
- Civil Actions
- Trust Proceedings
- Minor Guardianship Proceedings
- Guardianships of Incapacitated Individuals
- Protective Orders
- Conservatorships
- Guardianships of Individuals with Developmental Disabilities
- Involuntary Commitments of Mentally Ill Persons
- Drain Appeals
- Secret Marriages
- Registration of Foreign Birth

Probate Staff

Honorable Judge 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. He 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 in the Benton Harbor area. 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.

Probate Staff



Jonathan K. Blair
Probate Administrator



Jennifer Callaway
Deputy Probate Register



Jennifer White
Deputy Probate Register



Alicia Blik
Judicial Secretary to Hon. Michael L. Buck

GALS

In order to conduct investigations, make findings, and make recommendations in adult and minor conservatorships, the Court use independent contractors that as Guardian Ad Litem. This is a labor of love, there simply is 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:

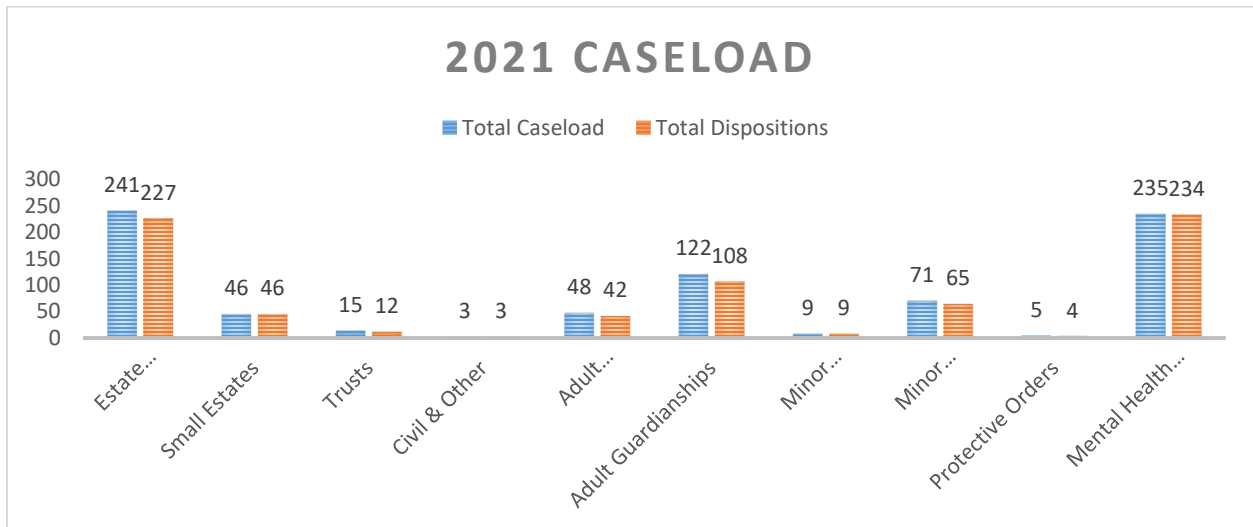
Kevin Miller, formerly with Allegan County DHHS

Sue Horton, formerly with Allegan County DHHS

Ken Prins, formally with the Allegan Family Court

Ray Passkiewicz, formally a social worker

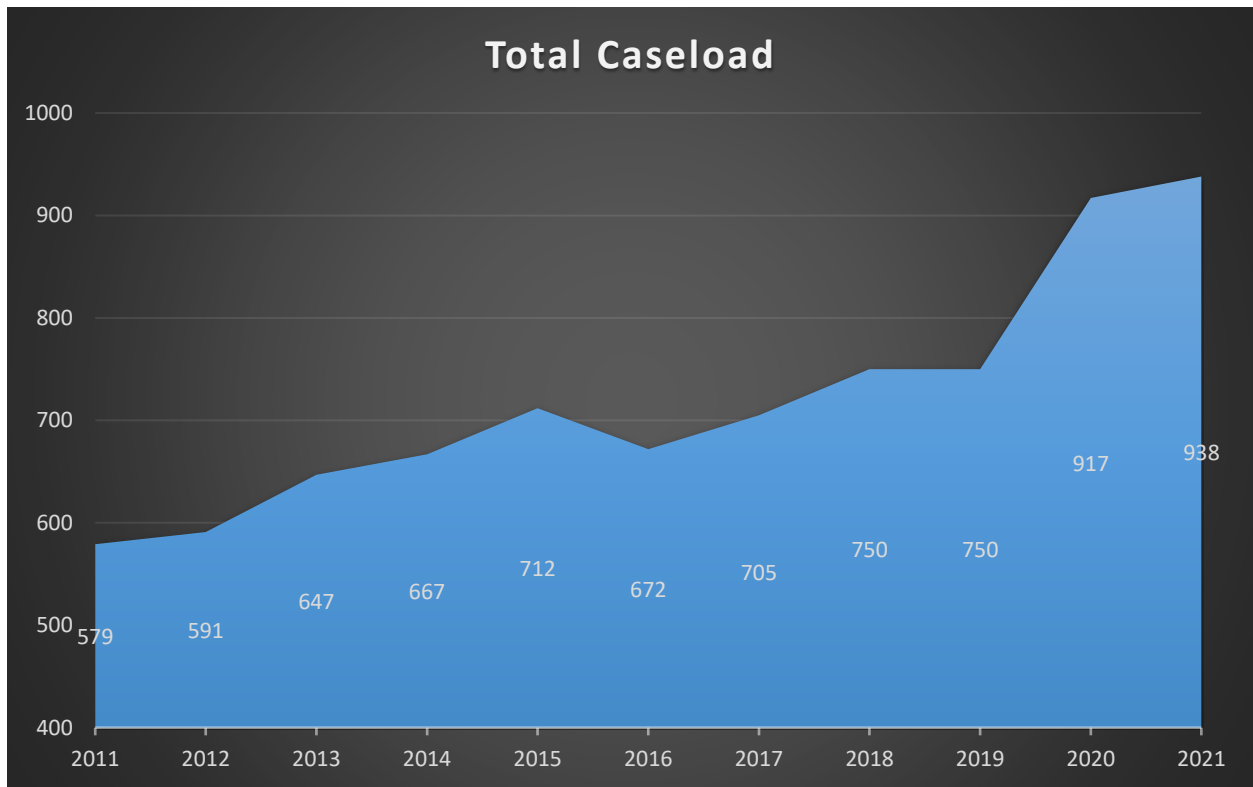
Probate Court Caseload



In 2021 the Probate Court handled a total of 795 new filings. This represents a consistent increase since 2011 when the Court had 579. (%) . The majority of these were comprised of decedents' estates (241, up from 210 in 2020), mental health proceedings (235, up from 195 the prior year, a % increase); and adult guardianships went from 105 to 122 (15% increase). There was a reduction in minor guardianships, which is concurrent with the decrease in neglect filings details previously by the Family Court.

The orange 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 Courts consistently clears in the 90's, while 2021 saw a 94% disposition rate.

Caseload Trends



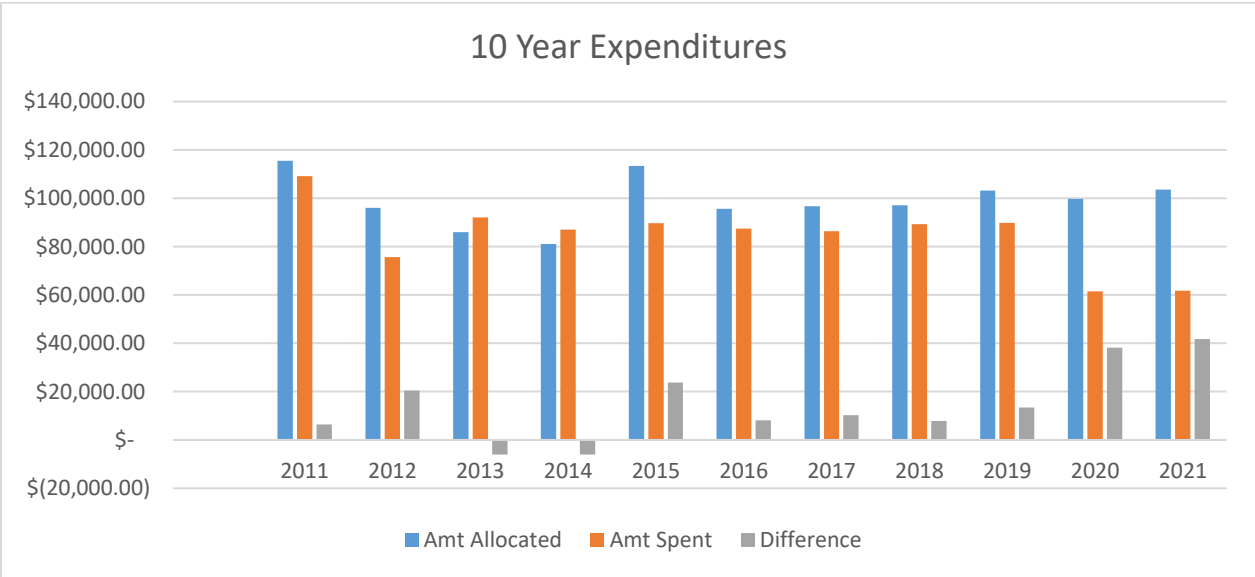
2021 saw an increase in the total caseload from 917 in 2020 to 938 in 2021. In prior years the caseload had been consistently rising (notwithstanding the decreases in overall caseload in 2009 and 2016). There were 579 new and pending cases handled by the Court in 2011 to 2021's 938, which represents a 47% increase in overall caseload. This trend has continued in 2022.

Most notably, since 2011 Deceased Estates have increased from 186 to 210, a 12% increase, Guardianships have increased 21%, and Minor Guardianship have increased 28% during the same time. These number will continue to increase as Allegan County population increases and ages.

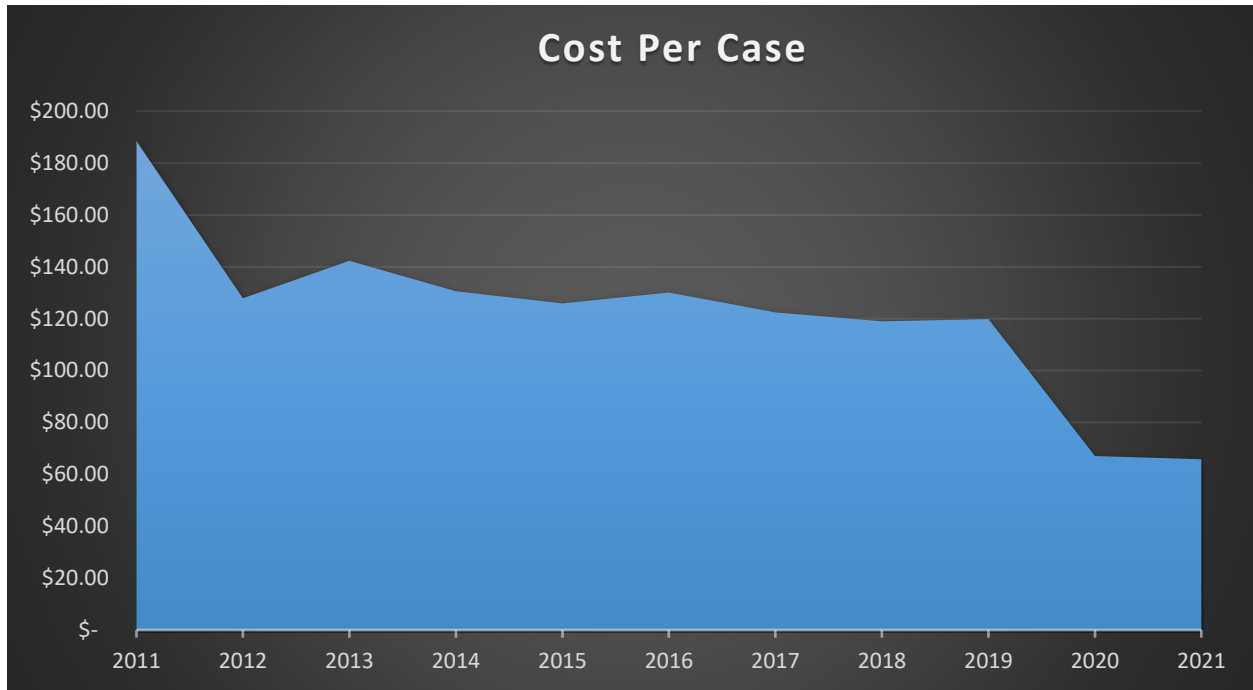
Expenditures

Below are charts showing the allocated operational budget for the Probate Court, actual expenditures, revenues budgeted, and the actual revenues collected from 2011 to 2021.

However, this chart is not a complete picture of expenditures. Through the grace of this Commission, the Probate Court has a \$43,500 fund to reimburse public guardians in cases in which the ward lacks funds for payment. In 2021 and 2020 a substantial portions of this went unused, primarily due to incomplete paperwork and untimely submissions. This is not expected in 2022. Thus in reality the Court actual spent \$55,288 out of a \$60,110 budget for the 2021 budget year.

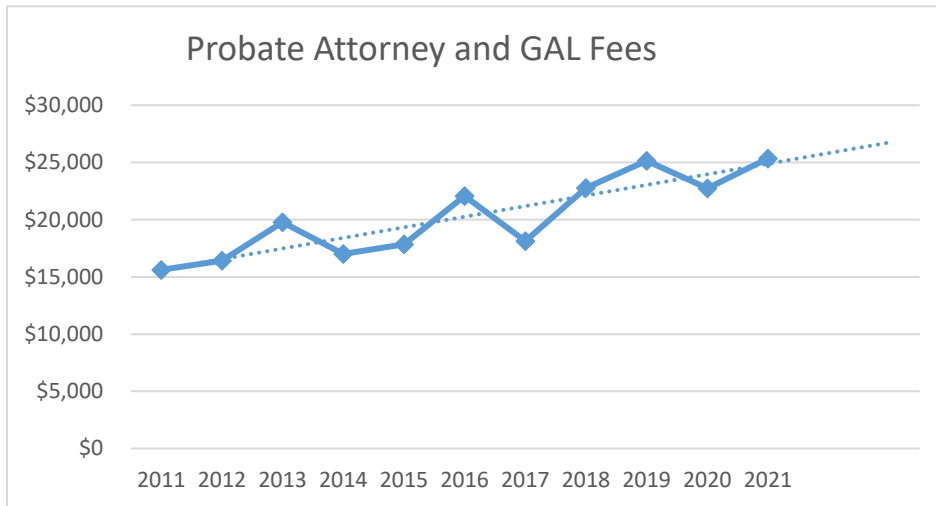


Cost Per Case



Between 2020 and 2021 there was little change in the cost per case, \$67.11 v \$65.87. The 2020 cost per case saw a marked decrease from \$119.74 in 2019 to \$82 in 2020. This is a result of the budget remaining the same while case numbers increase. It is highly unlikely that this trend can be maintained, increased funds will be needed for court appointed attorney, GALs, and other functions. Recent attempts to recruit these individuals have been rebuffed as financially unviable.

Attorney and GAL Fees



As always, Attorney/GAL Fees continue to be the single largest expenditure for the Court. In 2011 the Court expended \$15,615 on Attorney and GAL

fees. In 2021 that cost was \$25,354 – a 47% increase. However, 2020's stats were lower, this is a result of fewer in person hearings due to the pandemic. GALs were unable to make in person visits. The services provided by the GALs and attorneys are invaluable to the Court and public. As pandemic related restrictions are lifted this costs will continue to rise.

GAL compensation alone represented \$6,373.81 in 2021,

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. This makes finding replacement attorneys difficult and continues to put a strain on current providers. It is one of the listed goals of Probate Court to increase the current rate for GALs and attorneys. The *request* to move GALs from \$35 per case to \$40 has been requested in the 2023 budget, while other funds or avenues for attorney compensation are being sought as well.

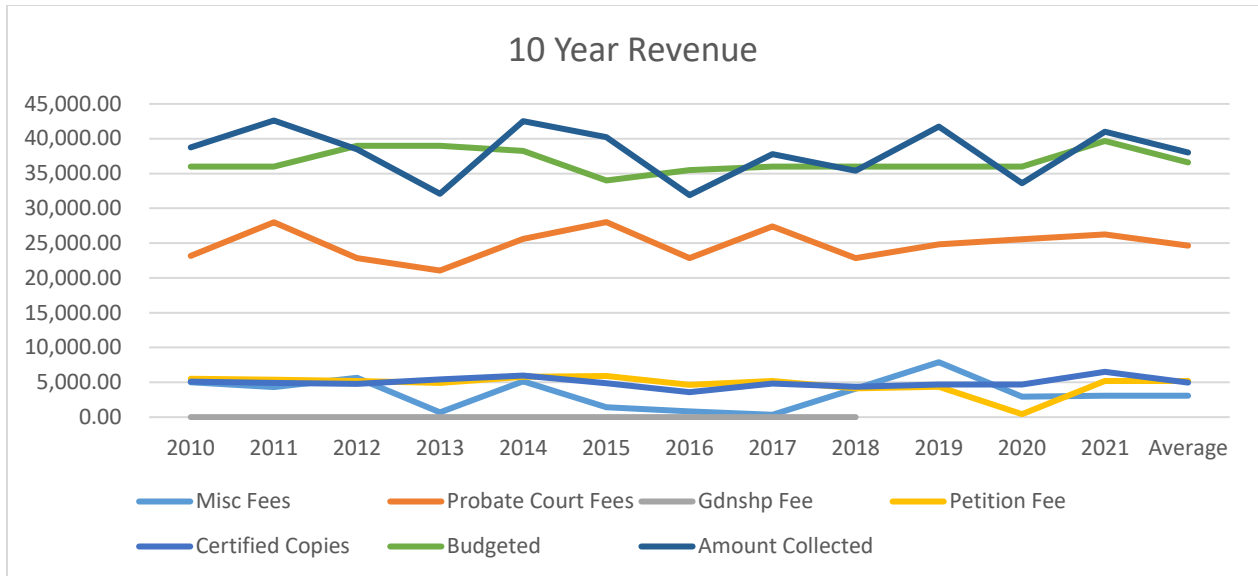
Revenues

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 \$38,010 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.

2020 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 transactional fees. However, 2021 saw a return to the prior increasing trend. The same also is holding true for 2022, in which a dramatic increase has been seen.

PROBATE REVENUES							
Year	Misc Fees	Probate Court Fees	Gdnshp Fee	Petition Fee	Certified Copies	Budgeted	Amount Collected
2010	5,024.07	23,163.37	-	5,500.00	5,083.00	36,000.00	38,770.44
2011	4,335.29	27,996.60	-	5,357.40	4,924.00	36,000.00	42,613.29
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
Average	3,058.86	24,645.30	-	5,182.17	4,970.92	36,575.00	38,010.91

Gdnshp fees are no longer collected since 2018



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 2022 the Court has received over 75 requests.

Probate and the Pandemic

During the Pandemic Probate Court was able to remain open and provide all services to the public. The Court's continued operation is due to the dedication and work ethic of its staff. Staff has rotated at-home work with necessary in-office work while limiting exposure to other staff and the public. Judge Buck and Alicia were in the building daily, while remaining staff rotated or worked from home depending on need. The pandemic was not easy for anyone, but thankfully services remained available and overall matters ran smoothly.

The Court relied heavily on the Supreme Court provided Zoom platform. Overall the Court has seen increased access and participation from the public. The Court recently obtained an additional mobile polycomm unit, allowing future remote participation. While the pandemic was incredibly difficult, but remote participating and ease of access will be a long term benefit.

2021 Public Satisfaction Survey

Every two years the Probate Court distributes a public satisfaction survey to the public, in coordination with the Circuit and District Courts. The survey is developed by the State Court Administrative Office, and assists the Probate Court in identifying its strengths, providing positive feedback to employees, and targeting areas for improvement.



The 2021 survey was solely conducted online. This led to a substantial reduction of responses, however, the responses received were all positive.

In the Court's last survey, 100% of court users agreed or strongly agreed that they were treated with courtesy and respect by court staff. Court users also overwhelmingly indicated that they were able to get their business done in a reasonable amount of time and that their cases were handled fairly.

Below are a sample of comments the Court received from members of the public in the 2021 public satisfaction survey:

“I believe that remote hearings for some matters is beneficial to my clients who are on limited income because they can attend remotely which reduces missed time at work plus their attorney fees are lower due to the reduced amount of time billed for travel and waiting time at the court. It really has been beneficial in most cases such as the guardianship hearing attended today.”

The results of the survey, notes from the public and other feedback indicate that the Probate Court continues to maintain high levels of public satisfaction.

Goals of the Court

For the upcoming years the Court plans to

- Increase access to Court with a State provided e-filing system.
- Increase access to Court with a public kiosk for record searches
- Increase pay for independent contractors such a GALs and Court Appointed Attorneys
- Increase staffing for Probate to compensate for increased time per case as required by changes in the Court Rules and recent trends.
 - The 2022 housing market has greatly increased filings.
- Increase the number of available Public Guardians and oversight thereof.
- Increase collections on Court ordered fees and costs.
- Continue to Decrease operating costs with the use of remote proceedings.

Current Information and Key Contacts

Allegan County Probate Court

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