

# 2020 ANNUAL REPORT



# ALLEGAN COUNTY PROBATE COURT



*Hon. Michael L. Buck  
Jonathan K. Blair  
Amy Cornell  
Jennifer Callaway  
Jennifer White*

## Meet the Probate Staff



**Honorable Michael L. Buck**  
**Probate Judge**



**Amy Cornell**  
**Judicial Secretary/Court Recorder**



**Jennifer White**  
**Deputy Probate Register**



**Jennifer Callaway**  
**Deputy Probate Register**



**Jonathan K. Blair**  
**Probate Administrator**

## 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
- Delayed Registration of Foreign Births

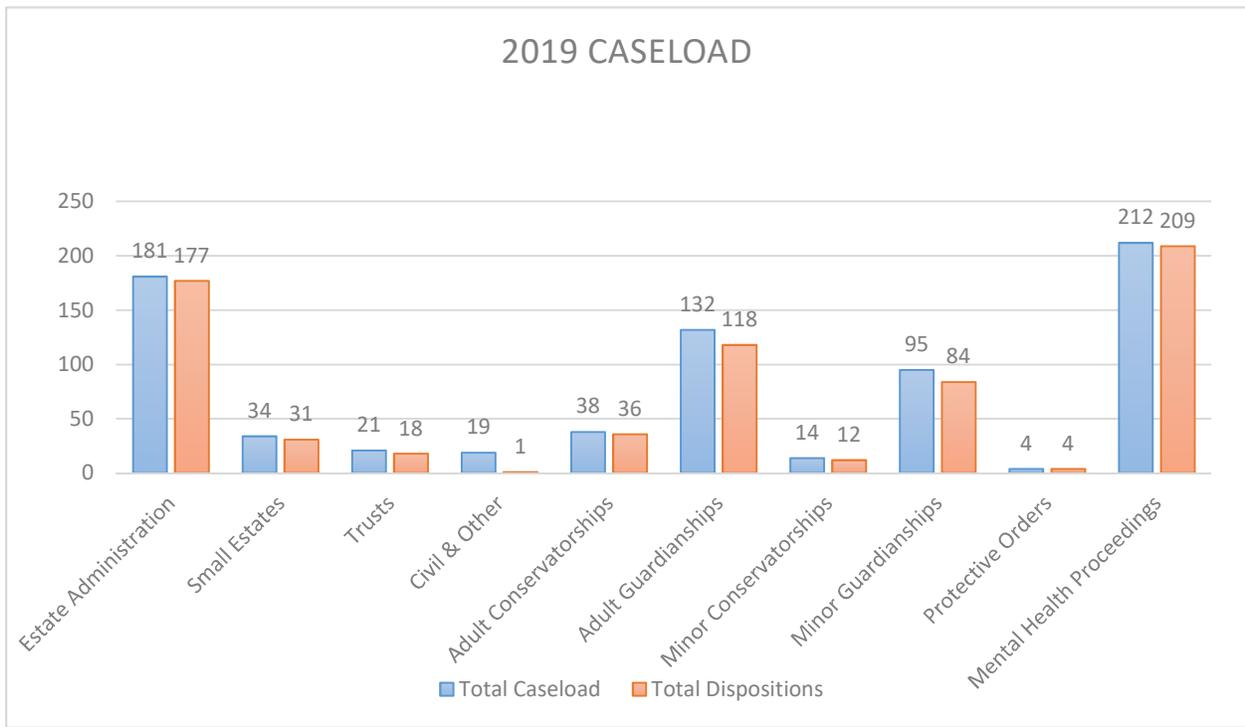
## Changes at the Court



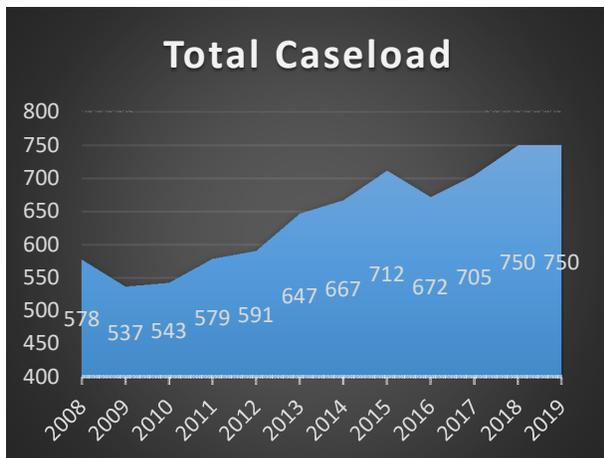
In November of 2019, Avery Rose left his position as Probate Administrator and Register to accept the Probate Administrator position for the Kent County Probate Court. Avery gave years of dedicated service to the Allegan Probate Court, Circuit Court, Family Court, and was an invaluable asset to the community as a whole. The Court is sincerely grateful for the years of service and incredible kindness Avery showed this community.

Avery was replaced by Jonathan K. Blair in November of 2019. At the time Jonathan was an assistant prosecutor with the Allegan Prosecutor's office, had previously owned his own practice, and had clerked for the 48<sup>th</sup> Circuit Court.

## Probate Court Caseload



In 2019 there were a total of 750 new and pending cases handled by the Probate Court, the majority of which were comprised of decedents' estates (181), mental health proceedings (212), adult guardianships (132), and minor guardianships (95).



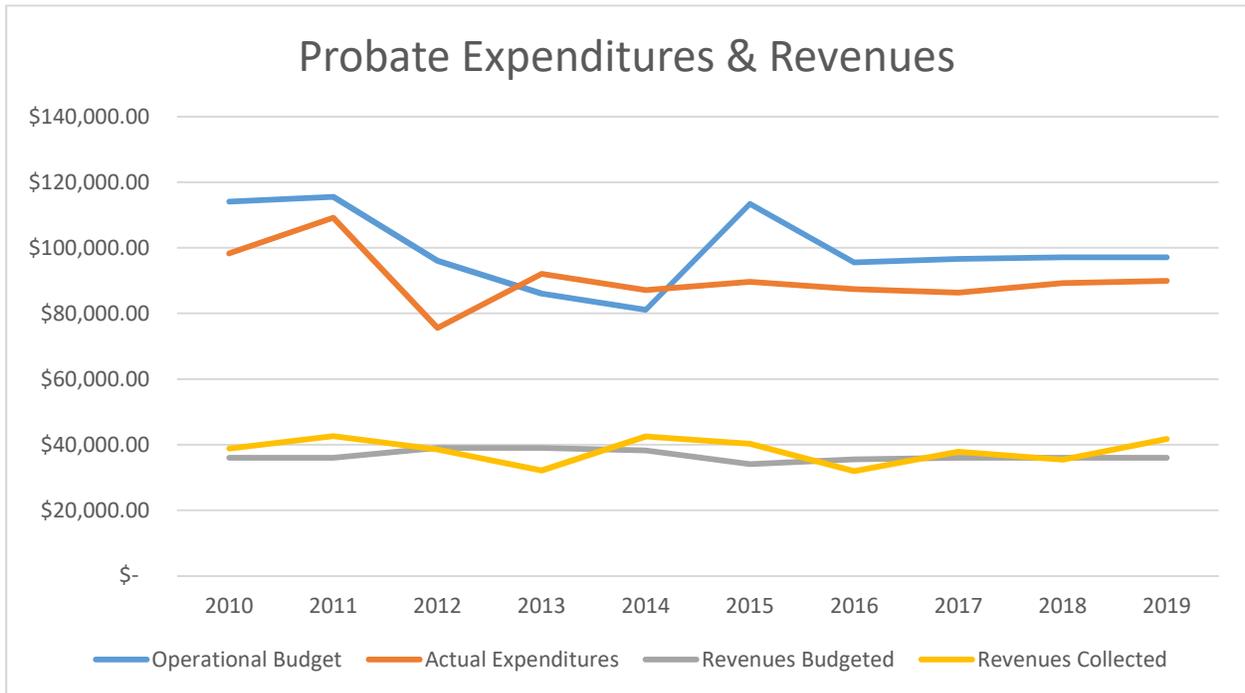
## Caseload Trends

2018 and 2019 had the same case load numbers. In prior years, the caseload had been consistently rising (notwithstanding the decreases in overall caseload in 2009 and 2016). There were 578 new and pending cases handled by the Court in 2008 and 750 in 2018 and 2019, which represents a 30% increase in overall caseload. Most notably, since 2011 the number of adult guardianship cases handled by the Court has increased from 70

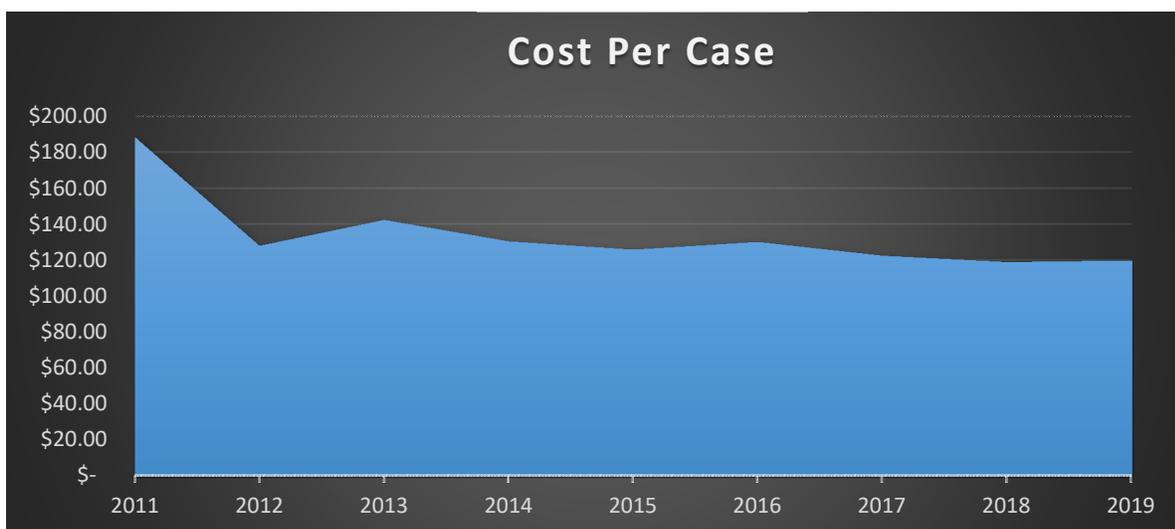
to 132, a 47% increase. During the same time new mental health filings have increased by 42%.

## Expenditures

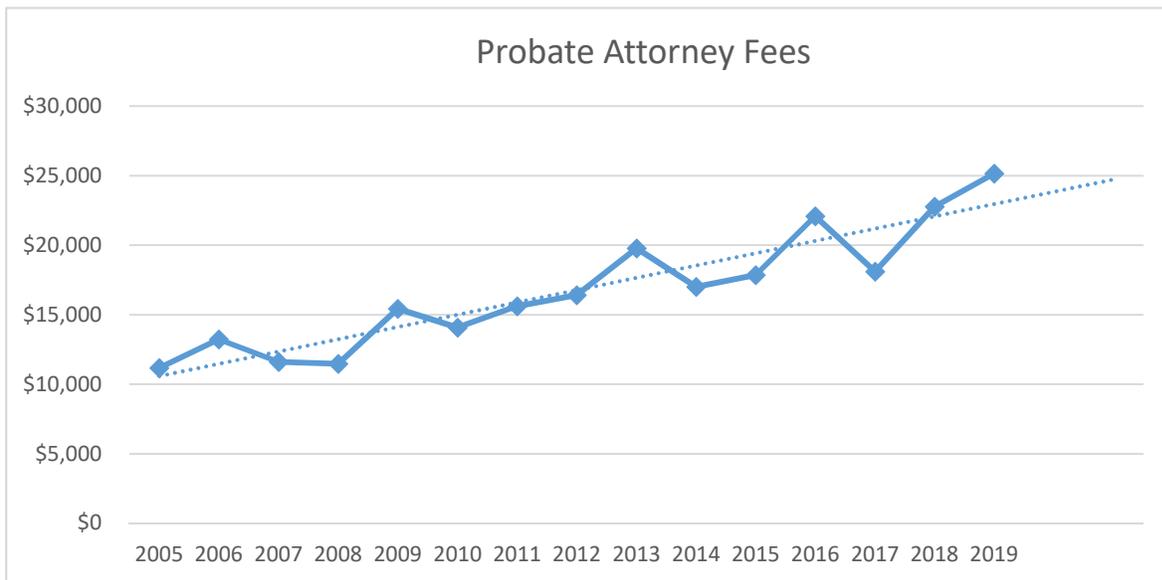
Below is a chart showing the allocated operational budget for the Probate Court, actual expenditures, revenues budgeted, and the actual revenues collected from 2010 to 2019. Since 2010, the Court was allocated an average annual operational budget of \$99,281. During that same period, the Court spent an average of \$90,481 per year.



During the same period, since 2010, the cost per case has decreased from \$181 per case to \$119.87 per case.



## Attorney and GAL Fees



Attorney fees continue to be the single largest expenditure for the Court. In 2010 the Court expended \$14,068 on attorney and GAL fees. In 2019 that cost was \$25,154 – a 79% increase. However, the services provided by the GALs and attorneys are invaluable to the Court and public. The Court could not function without these individuals and often they provide necessary services to the community’s most at-risk individuals. While the overall cost is high, the amount paid to each individual is relatively low.

## 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. The Court successfully collected a total of \$4,053.25 in 2018 and \$4,623.42 in 2019. However, for 2020 collections have slowed due to the COVID-19 Pandemic.

## Revenues

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 \$38,151.32 per year, and exceeded the average amount it has budgeted for revenue collection over that period of time, which was \$36,638.89.

<b>PROBATE REVENUES</b>						
<b>Year</b>	<b>Misc Fees</b>	<b>Probate Court Fees</b>	<b>Petition Fee</b>	<b>Certified Copies</b>	<b>Budgeted</b>	<b>Amount Collected</b>
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
<b>Average</b>	<b>3,542.32</b>	<b>24,661.33</b>	<b>5,099.77</b>	<b>4,847.90</b>	<b>36,638.89</b>	<b>38,151.32</b>

## **Court's professional guardian reimbursement program.**

Since 2017 the Court and community have benefited from the funding the County provides for its professional guardian reimbursement program. This allows guardians to be reimbursed up for \$60 per month per ward for services provided. Without these services 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.

## **Probate and the Pandemic**

Although this report's focus is on 2019, it would be a disservice to the Court's staff not to address the 2020 COVID-19 Pandemic. Since the Pandemic struck, the Court has thankfully remained open for business. The Court has continued to manage an almost complete caseload with some minimal understandable delays.

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. Thankfully all Probate Court staff have stayed healthy, but plans are in place for any eventuality. The flexibility and absolute commitment that the Probate staff has shown during these hard times is remarkable. The citizens of Allegan County benefit from their commitment.

## 2018 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.



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 2018 public satisfaction survey:

***“Very fast and efficient.”***

– Family/friend of party to case

***“Work well with Probate Judge & staff.”***

– Agency Worker

***“Fast and friendly.”***

– Personal Representative of an Estate

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. The Court had planned to administer another public satisfaction survey in 2020, but the effects of the COVID-19 Pandemic have put these plans on hold.

## Current Information and Key Contacts

### Allegan County Probate Court

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