

VAN BUREN COUNTY - ALL COURT POLICY

SUBJECT: DETERMINATION OF VENUE FOR MENTAL HEALTH PROCEEDINGS	SECTION: PROBATE COURT	DATE: 7/5/18
REVISIONS PREPARED BY: Frank Hardester, Barb Dundon, Angie Straley and Keysharri Gill	NUMBER: VBC-1510	SUPERSEDES: n/a

Renumbered to "Policy 10.002" on 9/16/20

REFERENCES:

- MCL 330.1400(C)
- MCL 330.1306(1)
- MCL 330.1302
- MCL 330.1312
- MCL 330.1304
- MCL 330.1156
- MCL 330.1316
- MCL 330.1308
- MCL 330.1309
- MCL 330.1310

BACKGROUND: The purpose of this policy is to clarify local procedures as it relates to the determination of venue based upon a ward's residence. This topic was discussed at the Southwest Michigan Probate Judges Association meeting on May 10, 2018 without objection.

POLICY STATEMENT:

- A. Generally, pursuant to MCL 330.1400(C), venue for mental health proceedings is proper with a Probate Court, based upon "the county of residence of the subject of a petition," or "the county in which the subject of a petition was found." An individual's county of residence is determined by where "the individual maintained his or her primary place of residence at the time he or she entered" a dependent living setting, a boarding school, or a facility. MCL 330.1306(1).
- B. To ensure clarity in all prospective mental health proceedings, and to allow for the expeditious handling of new cases, the Van Buren County Probate Court will consider an individual's place of residence, if ascertainable, as determinative of proper venue, regardless of the individual's current location. If an individual's place of residence cannot be discovered after reasonable diligence the court will consider the individual's current location to determine proper venue.

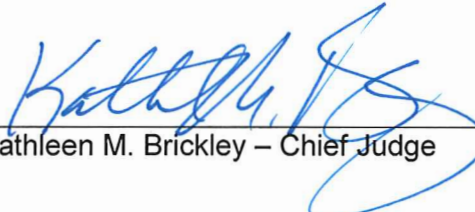
FORMS:

N/A

APPROVAL:

Effective Date: 8/2/18

Date: 8/2/18



Kathleen M. Brickley – Chief Judge