

SAGINAW COUNTY PROBATE COURT
INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN
OF AN INCAPACITATED INDIVIDUAL

PLEASE READ CAREFULLY

COURT PERSONNEL CANNOT GIVE LEGAL ADVICE

All forms must be typed or legibly printed. Failure to comply with the instructions below will result in the Court rejecting your petition. **Should you be unable to understand or complete the forms as directed below, you should then contact an attorney for assistance.**

PUBLIC ACT 386 OF 1998, AS AMENDED BY PUBLIC ACT 52 OF 1999, COURT PERSONNEL SHALL NOT PROVIDE OR OFFER TO PROVIDE LEGAL ADVICE OR LEGAL COUNSEL TO A FIDUCIARY OR AN INTERESTED PERSON AND SHALL NOT COMPLETE A FORM, PETITION OR DOCUMENT FOR A FIDUCIARY OR INTERESTED PERSON.

ALL DOCUMENTS WITH A * ON THEM MUST BE COPIED AND
PRESENTED WITH ORIGINALS AT TIME OF FILING

A. FILING PROCEDURE

1. Present the completed forms which have been typed or printed legibly to the Clerk at the Probate Court, 111 S. Michigan, Room 204, Saginaw, MI 48602. We may be reached by phone at 989-790-5279.
2. A hearing date and time will be set by the Clerk at the time of filing
3. It is the responsibility of the **petitioner** to serve the interested persons and file the original with the Court.

B. FEES

The Court will accept:

Cash, money orders, or personal checks (w/ driver's license & phone number)

1. Petition to Appoint a Guardian..... \$175
2. Letters of Guardianship\$12/Certified Copy

Other fees that may apply:

3. Publication fee in a Legal News (when applicable)..... \$70 – approximately
4. Guardian Ad Litem (GAL) fee (due prior to hearing)..... \$325.00

C. REPORT OF PHYSICIAN OR MENTAL HEALTH PROFESSIONAL (Form PC630)

MUST BE COMPLETED by the treating physician should accompany the petition to appoint guardian.

1. Be on doctor's letterhead, typed, dated, and signed by the doctor.
2. Describe the alleged incapacitated individual's condition or ailment and state the prognosis.
3. Indicate whether or not the person is able to attend a court hearing.

D. ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM/ATTORNEY

The Court **must**, by law, appoint a Guardian Ad Litem (GAL) to represent the interests of the alleged incapacitated individual **unless** the person has his/her own attorney. It will be the GAL's responsibility to visit the person, file a written report, and make a recommendation as to whether or not a guardian is needed; and file a proof of service with the court. The GAL will generally call to make an appointment to visit the alleged incapacitated individual.

The GAL is not an employee of the Court but will most likely be a licensed practicing attorney assigned by the Court. It is your responsibility to contact the GAL, discuss the fee and forward the paperwork to the GAL. The petitioner is responsible to pay the GAL prior to the hearing date.

E. NOTICE OF HEARING

A hearing date will be set by the Clerk. Your Notice of Hearing form shows the date, time, place, and assigned Judge. **You, the Petitioner, must attend the hearing or your petition will be dismissed; and you will have to begin the process again.** The alleged incapacitated individual must also attend the hearing unless the GAL is prepared to waive his/her presence in Court, or the doctor's letter indicates that the person cannot attend the hearing.

F. PROOF OF SERVICE

It is your responsibility to "serve" the parties with a copy of the petition and notice of hearing. If you do not complete service, your hearing will have to be adjourned. The Proof of Service form must be completed and returned to the Court at least two (2) days prior to the day of the hearing. The alleged incapacitated individual must be served **personally** at least seven (7) days prior to the regular hearing for a guardian (this is usually done by the GAL).

The other interested parties must be served in one of the following manners:

1. By personal service at least 7 days prior to the date of the hearing
2. By first class mail at least 14 days prior to the hearing
3. By publication at least 14 days prior to the date of the hearing if the address or whereabouts of interested persons are unknown - The legal newspaper fee is approximately \$70, and due when forwarding your publication notice to a legal news. When publishing for unknown whereabouts, you will also be required to file a Declaration of Intent to Give Notice (one per unknown individual).

The parties interested in a Petition for Appointment of a Guardian of an Adult are:

1. The person alleged to be incapacitated
2. The spouse of the alleged incapacitated
3. The children of the alleged incapacitated
4. Living parents
5. If no spouse, child, or parent is living, the presumptive heirs of the individual.
6. An agent or attorney in fact having a power of attorney (meeting the requirements of MCL 700.5405; MSA 27.15405) of the alleged incapacitated individual
7. The person who has the care & custody of the alleged incapacitated individual.
8. The nominated guardian
9. Person who files a request for notice pursuant to MCL 700.5104 (1)
10. Special parties (Veterans Administration and Attorney General)

If Veterans Administration (VA) benefits are payable to the alleged incapacitated individual, the VA is a party of interest.

If there are no known presumptive heirs, the Attorney General (AG) is a party of interest.

When the VA, or AG, are parties of interest on your petition, they must be served; either personally or by mail at:

Veterans Administration
Patrick V. McNamara Bldg.
477 Michigan Ave., Ste 1460
Detroit, MI 48226

Attorney General, Public Administration
P.O. Box 30213
Lansing, MI 48909

G. NOTICE TO ALLEGED INCAPACITATED INDIVIDUAL ON PETITION TO APPOINT GUARDIAN

This form must be filed with the court and personally served on the alleged incapacitated individual by the petitioner or guardian ad litem at least seven (7) days prior to the hearing, and Proof of Service filed with the Court. This form is used only when requesting the appointment of a guardian.

If you are going to be a guardian for a nursing home resident, and you need information about applying for Medicaid or Medicare benefits for the resident, nursing home resident rights, the quality of care and services, etc., you may call Citizens for Better Care, the local long-term care ombudsman, at 1-800-284-0046 for help.

If you are a senior, or your questions are on behalf of someone age 60 or older, you may call the Legal Hotline for Older Michiganians for legal advice. The Legal Hotline's attorneys answer legal questions over the phone for eligible seniors statewide. Office hours are 9 a.m. to 5 p.m. weekdays. The toll free number is 1-800-347-5297 (372-5959 in the Lansing area), which is also TDD accessible for the hearing impaired.

H. ORDER, ACCEPTANCE, AND LETTERS

All forms must be completed in advance of your arrival.

DO NOT CHECK ANY BOXES ON THE ORDER APPOINTING A GUARDIAN FORM.

I. HEARING

Your hearing date is a time certain, failure to appear for a scheduled hearing will result in your petition being dismissed and the loss of your filing fee.

Prior to the hearing you must arrive fifteen minutes early to have the paperwork checked by the Probate Staff for accuracy and completeness.

Forms:

- [Options You Should Know Before Filing a Petition for a Full Adult Guardianship](#)
- [Records Check Release](#)
- [PC625 Petition for the Appointment of Guardian of Incapacitated Individual](#) *
- [MC97 Protected Personal Identifying Information](#)
- [PC630 Report of Physician or Mental Health Professional](#) *
- [PC626 Notice of Rights to Alleged Incapacitated Individual](#) *
- [PC642 Order Appointing Guardian Ad Litem/Attorney/Lawyer-Grdn Ad Litem](#) *
- [PC562 Notice of Hearing](#) *
- [PC564 Proof of Service](#)
- [PC631 Order Regarding Appointment of Guardian of Incapacitated Individual](#)
- [PC571 Acceptance of Appointment or Designation](#)
- [MC97A Addendum to Protected Personal Identifying Information](#)
- [PC633 Letters of Guardianship](#)

**ALL DOCUMENTS WITH A * ON THEM MUST BE COPIED AND
PRESENTED WITH ORIGINALS AT TIME OF FILING**