

**IT IS THE PETITIONER'S RESPONSIBILITY TO NOTIFY:**  
**THE APPOINTED ATTORNEY, PSYCHOLOGIST, PROSECUTOR'S OFFICE,**  
**AND ALL INTERESTED PARTIES.**

**SAGINAW COUNTY PROBATE COURT**  
**INSTRUCTIONS FOR APPOINTMENT OF A GUARDIAN**  
**OF THE PERSON AND/OR ESTATE OF AN**  
**INDIVIDUAL WITH DEVELOPMENTAL DISABILITY**

**PLEASE READ CAREFULLY**

**COURT PERSONNEL CANNOT GIVE LEGAL ADVICE OR HELP COMPLETE THE FORMS**

The forms must be fully and accurately completed. The failure to comply with the below instructions 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 OR 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 of the Probate Court at 111 S. Michigan, Room 204, Saginaw, MI 48602.
2. A hearing date will be set by Probate staff. Hearings are held on Wednesday mornings, the exact time will be determined when forms are filed.
3. An attorney will be appointed to represent the individual with alleged developmental disability.
4. It is the responsibility of the **petitioner** to serve the interested parties and file the originals with the Court.

**B. DOCUMENTS NECESSARY FOR FILING**

When you return to the Court to file your paperwork, the staff will appoint an attorney and schedule a hearing date. You must bring the following completed documents:

1. Petition for Appointment of Guardian, Individual with an Alleged Developmental Disability

2. Report to Accompany Petition to Appoint, Modify or Discharge Guardian of Individual with Developmental Disability
3. Notice of Hearing (Court staff will insert the date and time of hearing)
4. Proof of Service

### **C. PARTIES OF INTEREST**

Once you have received a hearing date, there are certain individuals (parties of interest) that you must notify of the proceedings.

Those requiring notification are:

1. The respondent (individual with alleged developmental disability)
2. The proposed guardian, if he/she is not the petitioner
3. The respondent's presumptive heirs
4. The preparer of the report or another appropriate person who performed an evaluation
5. The director of any facility in which the respondent may be residing, or the person who has custody of the respondent
6. The respondent's guardian ad litem, if one has been appointed
7. The respondent's attorney
8. Special parties (Veterans Administration and Attorney General)
9. Governmental agency paying benefits to the individual or before whom an application for benefits is pending

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

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

If the individual alleged to need protection is receiving benefits from a governmental agency such as Social Security, or an application for benefits is pending, that governmental agency is a party of interest.

When the VA, AG, or Social Security 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

Social Security Administration  
611 E. Genesee  
Saginaw, MI 48601

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

## **D. SERVING THE DOCUMENTS**

The individual with alleged developmental disability must be **personally** given a copy of the **Petition for Appointment of Guardian, Notice of Hearing, and Order Appointing Counsel**, at least seven (7) days prior to the date of the hearing.

All other interested parties must receive a copy of the **Petition for Appointment of Guardian and Notice of Hearing** by **personal service** at least **seven (7)** days prior to the date of the hearing, **or** by **ordinary mail** at least **fourteen (14)** days prior to the hearing.

If there are no known heirs, or the address or whereabouts of the interested parties are unknown, notification of the hearing must be made by **publication** at least **fourteen (14) days** prior to the date of the hearing, along with a declaration of intent to give notice by publication (form is not contained in this packet). The publication fee (approximately \$70.00) is due upon forwarding the publication notice to the legal news.

The Proof of Service form is your proof to the Court that the interested parties have been served. The Proof of Service must be completed and **returned to the Court at least two (2) days** prior to the hearing.

## **E. DEFINITIONS**

1. **Respondent:** The individual who is the subject of a petition for guardianship filed under this chapter. MCL 330.1600 (f); MSA 14.800 (600) (f).
2. **Developmental Disability:**
  - a) If applied to an individual older than 5 years, a severe, chronic condition that meets all of the following requirements:
    1. Is attributable to a mental or physical impairment or a combination of mental and physical impairments.
    2. Is manifested before the individual is 22 years old.
    3. Is likely to continue indefinitely.
    4. Results in substantial functional limitations in three or more areas of major life activity.
    5. Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
  - b) If applied to a minor from birth to age five, a substantial developmental delay or a specific congenital or acquired condition with a high probability of resulting in developmental disability as defined above (if services are not provided). MCLA 330.1100a (19)(a)-(b); MSA.
3. **Mental Retardation:** A condition manifesting before the age of 18 years that is characterized by significantly subaverage intellectual functioning and related limitations in two or more adaptive skills. MCLA 330.1100b(15); MSA.
4. **Plenary Guardian:** A guardian who possesses the legal rights and powers of a full guardian of the person, or of the estate, or both. MCL 330.1600 (d); MSA 14.800 (600)(d).

5. **Partial Guardian:** A guardian who possesses fewer than all of the legal rights and powers or a plenary guardian, and whose rights, powers, and duties have been specifically enumerated by court order. MCL 330.1600 (e); MSA 14.800 (600)(e).
6. **Standby Guardian:** A guardian designated by the court whose appointment shall become effective without further proceedings immediately upon the death, incapacity, or resignation or the initially appointed guardian. MCL 330.1640 (1); MSA 14.800 (640)(1).

## **F. IMPORTANT**

1. The Petitioner and proposed guardian **must** attend the hearing or your petition will be dismissed, and you will have to begin the process again.
2. The respondent (individual with an alleged developmental disability) must also attend the hearing via zoom (meeting ID 524 305 3790), **unless** the Court excuses the respondent from being present only on a showing, supported by an affidavit signed by a physician or psychologist who has recently examined the respondent, that the respondent's attendance would subject him or her to serious risk of physical or emotional harm.
3. Court personnel will provide the petitioner with the Notice of Right to Request Dismissal of Guardian or Modification of Guardianship Order.
4. The respondent must be **personally** served at least **seven (7) days** prior to the hearing.
5. The Proof of Service must be signed by the petitioner and returned to the Saginaw County Probate Court, 111 S. Michigan, Room 204, Saginaw, MI 48602, at least **two (2) days** prior to the hearing.
6. If you have any questions, you may call the Saginaw County Probate Court at (989) 790-5279.

### **Forms:**

- [Records Check Release](#)
- [PC658 Petition for Appointment of Guardian, Individual with Alleged Developmental Disability](#) \*
- [MC97 Protected Personal Identifying Information](#) \*
- [PC659 Report to Accompany Petition to Appoint, Modify or Discharge Guardian of Individual with Developmental Disability](#) \*
- [PC562 Notice of Hearing](#) \*
- [Guidance for completing Form MC506, "Notice of Hearing with Remote Participation"](#)
- [MC506 Notice of Hearing with Remote Participation - Judge McGraw](#) \*
- [MC505 Contact Information](#) \*
- [PC564 Proof of Service](#)
- [PC660 Order Appointing Guardian for Individual with Developmental Disability](#)
- [PC571 Acceptance of Appointment or Designation](#)
- [MC97A Addendum to Protected Personal Identifying Information](#)
- [PC662 Letters of Guardianship of Individual with Developmental Disability](#)

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