

OAKLAND COUNTY PROBATE COURT

1200 N. TELEGRAPH RD. , DEPT 457
PONTIAC, MI 48341-0457

Telephone (248) 858-0260
Fax (248) 452-2016

INFORMATION SHEET FOR PETITIONS FOR APPOINTMENT OF GUARDIANS/CONSERVATORS OF ADULTS

Once you have filed a Petition, many steps must be completed before the court hearing. Please study this information sheet carefully for guidance on what needs to be done after you leave the Courthouse today. **The Probate Court staff will assist you if you have further questions about procedures, however, staff is prohibited from offering legal advice.**

SERVICE

IT IS YOUR RESPONSIBILITY TO "SERVE" ALL INTERESTED PERSONS WITH A COPY OF THE *PETITION* AND *NOTICE OF HEARING*. IF YOU DO NOT COMPLETE SERVICE, YOUR PETITION WILL BE DISMISSED, AND YOU WILL HAVE TO START THE PROCESS ALL OVER BY FILING A NEW PETITION. A NEW FILING FEE WOULD BE REQUIRED.

Personal Service means delivering copies to the individual in person.

Service by Mail means mailing copies (only first class mail is required).

Publication Is required for persons whose address or whereabouts are unknown. The legal newspaper fee (\$78.30) is paid by check only when the petition is filed.

The alleged incapacitated individual and/or alleged protected individual must be served personally:

- At least 24 hours prior to an emergency hearing for a temporary guardian and/or special conservator.
- At least 7 days prior to the regular hearing for a guardian and/or conservator.

Other interested persons must be served:

- At least 14 days prior to the hearing if service is by mail or publication.
 - At least 7 days prior to the hearing if served personally.
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INTERESTED PERSONS

Interested Persons on a Petition for Appointment of Guardian of Incapacitated Individual

- The alleged incapacitated individual.
- Other persons listed in #4, #8, #9, #10, #11, #12, and #14 of the Petition for Appointment.
- Depending on the facts of the case, there may be additional interested persons.

Interested Persons on a Petition for Appointment of Conservator or Protective Order

- The individual alleged to need protection.
 - Other persons listed in #4, #8, #9, #10, #13, and #17 of the Petition.
 - Depending on the facts of the case, there may be additional interested persons.
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- Please see other side for other important information.

**GOVERNMENT
AGENCY
ADDRESS**

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

VETERANS ADMINISTRATION

PATRICK V. McNAMARA FEDERAL BLDG.
477 MICHIGAN AVENUE
DETROIT, MI 48226

ATTORNEY GENERAL

ATTN: STATE PUBLIC ADMINISTRATOR
3030 W. GRAND BLVD., SUITE 10-200
DETROIT, MI 48202

SOCIAL SECURITY ADMINISTRATION

1280 PONTIAC ROAD
PONTIAC, MI 48340

DEPARTMENT OF HUMAN SERVICES

1685 BALDWIN ROAD
PONTIAC, MI 48340-1115

**PROOF OF
SERVICE/
WAIVER &
CONSENT**

You, the Petitioner, must file a *Proof of Service* form with the court on or before the day of the hearing or your Petition will be dismissed. It must show when and how the interested persons were served. Note the separate sections for "Service by Mail" and "Personal Service" and use them accordingly. Your Petition will be dismissed unless the interested persons have either been served, or have signed a *"Waiver and Consent."* If you have filed for both guardianship and conservatorship, you will need a separate original Proof of Service or Waiver and Consent for each file.

**GUARDIAN
AD LITEM**

The court must, by law, appoint a Guardian ad Litem (GAL) to represent the interest of the alleged legally incapacitated individual and/or alleged protected individual unless the person has his/her own attorney. It will be the GAL's responsibility to visit the person, attend the hearing, file a written report, and make a recommendation as to whether or not a guardian and/or conservator is needed. The GAL will generally call to make an appointment to visit the alleged incapacitated individual and/or alleged protected individual.

The GAL is not an employee of the court but a licensed practicing attorney assigned by the court. The GAL bills the estate of the alleged protected individual at his/her normal hourly rate whether or not the petition is granted. An itemized statement should be part of the bill. Any fee disputes should be discussed with the attorney before they are brought to the attention of the court.

If there is no conservatorship, or there are no funds in the conservatorship, the county will be billed for the legal services of the Guardian ad Litem.

**HEARING
DATE**

Your Petition will probably be set for hearing on the assigned judge's "motion day". Your Notice of Hearing form displays the correct date, time, place, and assigned Judge. You, the Petitioner, must attend the hearing or your Petition will be dismissed. The alleged incapacitated individual and/or alleged protected individual also must attend the hearing unless the GAL is prepared to waive his/her presence in court.

Check the docket sheets that are posted near the Probate Counter. If your case is highlighted in yellow, proceed to the courtroom and check in with the Judge's clerk. If the clerk is not in the courtroom, sign your name on the clipboard at the front of the courtroom. If your case is not highlighted in yellow, check in at the Guardianship/Conservatorship line at the Probate Counter.

**AFTER THE
HEARING**

Please be sure to bring the file back to the Probate Counter after the court hearing.

**FILING
FEES**

The filing fee on a *Petition for Appointment of a Guardian* is \$150.00

The filing fee on a *Petition for Appointment of a Conservator* is \$150.00
