

SAGINAW COUNTY PROBATE COURT
INSTRUCTIONS FOR APPOINTMENT OF CONSERVATOR
OF A PROTECTED INDIVIDUAL

PLEASE READ CAREFULLY

COURT PERSONNEL CANNOT GIVE LEGAL ADVICE

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 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 in 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 will be set by the Clerk. Hearings are held on Tuesdays or Wednesdays.
3. A Guardian Ad Litem (GAL) will be appointed to represent the alleged protected individual.
4. It is the responsibility of the petitioner to serve the interested persons, and file the original forms 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 Conservator | \$175.00 |
| 2. Petition for a Protective Order | \$175.00 |
| 3. Letters of Conservatorship..... | \$12/Certified Copy |

Other fees that may apply:

- | | |
|---|----------------------|
| 4. Publication fee in a Legal News (when applicable)..... | \$70 – approximately |
| 5. Guardian Ad Litem (GAL) fee | \$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.

The statement must:

1. Be on doctor's letterhead, typed, dated, and signed by the doctor.
2. Describe the alleged protected 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 protected 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 conservator is needed; and file a proof of service with the court. The GAL will generally call to make an appointment to visit the alleged protected 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 protected 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 person to be protected must be served **personally** at least seven (7) days prior to the regular hearing for a conservator (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 the 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 Conservator or for a Protective Order are:

1. The individual to be protected (if 14 years of age or older)
2. The presumptive heirs of the individual to be protected.
3. If known, a person named as attorney in fact under a durable power of attorney
4. The nominated conservator, and
5. Person who files a request for notice pursuant to MCL 700.5104 (1)
6. 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 protected individual, 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

G. NOTICE ON PETITION FOR CONSERVATOR OR PROTECTIVE ORDER

This form must be filed with the court and personally served on the alleged protected 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 conservator.

H. ORDER, ACCEPTANCE, CONSERVATOR DUTIES, AND LETTERS

The proposed Conservator must read and sign the Conservator's Acknowledgement of Duties form. You can not and will not receive your letters of conservatorship without this form.

All forms must be completed in advance of your arrival.

DO NOT CHECK ANY BOXES ON THE ORDER APPOINTING CONSERVATOR OR LETTERS OF CONSERVATORSHIP FORMS.

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 15 minutes early in order to have the paperwork reviewed by the Probate Staff for accuracy and completeness.

Forms:

- [Records Check Release](#)
- [PC639 Petition for Appointment of Conservator/Protective Order](#) *
- [MC97 Protected Personal Identifying Information](#)
- [PC630 Report of Physician or Mental Health Professional](#) *
- [PC668 Notice on Petition for Conservator or Protective Order](#) *
- [PC642 Order Appointing Guardian AD Litem / Attorney / Lawyer-Guardian AD Litem](#) *
- [PC562 Notice of Hearing](#) *
- [PC564 Proof of Service](#)
- [PC640 Order Regarding Appointment of Conservator](#)
- [PC571 Acceptance of Appointment or Designation](#)
- [MC97A Addendum to Protected Personal Identifying Information](#)
- [Instructions to Conservators Appointed by the Saginaw County Probate Court](#) *
- [PC645 Letters of Conservatorship](#)
- [PC674 Inventory \(Conservatorship\)](#)

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