

STATE OF MICHIGAN GENESEE COUNTY PROBATE COURT

Duncan M. Beagle, Chief Judge of Probate
Jennie E. Barkey, Presiding Judge of Probate
F. Kay Behm, Judge of Probate
Assigned to the Circuit Court



Samuel A. Olson, Administrator/Probate Register
Telephone: (810) 257-3528
Fax: (810) 257-3234

900 S. Saginaw Street, Room 502
Flint, Michigan 48502

DATE: June 17, 2020

TO: Genesee County Probate Attorneys and Court Patrons

FROM: Sam Olson, Genesee County Probate Court Administrator/Register

RE: Return to Full Capacity – Phase One to Begin June 22, 2020
Local Administrative Order 2020-05J

On Monday, June 22, 2020, the Probate Court will begin the process of returning to full operations as it enters *Phase One* of the phased reopening plan established by the Michigan Supreme Court. On June 10, 2020, the State Court Administrative Office approved the *Phase One* plan, as detailed in Local Administrative Order 2020-05J.

Please be advised of the following important information regarding the Genesee County Probate Court's operations during *Phase One*:

PROBATE RECORDS/CLERK'S OFFICE

Appointments

- Individuals are able to schedule appointments with the probate clerk's office using the following link: <https://GeneseeCountyMI.as.me/probatecourt>.
 - Please be advised at this appointments can only be made for the following purposes: 1) file review, or 2) document pick-up. General filing will be permitted via appointment at a later date (see below).

General Filing:

- A filing that requires a filing fee must be sent via *regular mail* to the Probate Court, at 900 S. Saginaw Street, Room 502, Flint, MI 48502.
- A document that does not require a filing fee (e.g., Proof of Service, Guardianship/Conservatorship Inventory, GAL Report, etc.) may be sent to the Court via regular mail, fax (810-257-3234), or email (probatecourt@co.genesee.mi.us, or staff email address).
- The Court will return copies via regular mail, or return email.

Emergency Filings / Petitions for Mental Health Treatment:

- The probate clerk's office will be available for emergency filings (e.g., temporary/emergency requests for guardianship) and Petitions for Mental Health Treatment.
- Non-emergency matters must be filed consistent with the above under "General Filing."

HEARINGS/CASES

Remote Hearings:

- With the exception of annual accounts (see below), during *Phase One* the Probate Court will continue to conduct remote court proceedings using *Zoom* video conferencing for **all** scheduled matters.
- For new filings, please send a Notice of Hearing form to the Court, leaving the date/time blank. Filers are able to use the general form (PC 562), or the modified forms for remote/*Zoom* hearings (GCPC 562, GCPC 506) available on the court's website (www.gcprobatecourt.com).

Annual Accounts:

- Petitions to Allow Account(s) will continue to be reviewed by the Probate Register without a formal hearing, consistent with Local Administrative Order 2004-08, unless objected to, in writing, by an interested party.
 - A general PC 562 Notice of Hearing form would be filed with the petition. The "hearing" date will serve as a control date for purposes of effectuating proper notice and service to interested parties.
 - For any petition to allow account(s), petitioners shall be required to serve a GCPC 690 Objection to Petition form on all interested parties, with a Proof of Service to be filed evidencing service of the form.
 - The Court would welcome the filing of PC 561 Waiver/Consent forms for interested parties in an effort to enter an order without a hearing, if entry of an order is otherwise appropriate.

Guardianship/Conservatorship Seminar

- The guardianship/conservatorship seminars regularly held on Tuesdays at 12:00pm noon remain cancelled until further notice. The material handed out at the seminar is available on the Probate Court website, www.gcprobatecourt.com via the following pathway:
 - Forms dropdown → Adult Conservatorship → Appoint Conservator of an Adult → *Accounting Procedures & Instructions for Completing Annual Account of Fiduciary*

Please contact the Court by phone at 810-257-3528 if you have any questions, and continue to access the court's website (www.gcprobatecourt.com) for the latest information.

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900 S. Saginaw Street, Room 502
Flint, Michigan 48502

DATE: May 7, 2020

TO: Genesee County Probate Attorneys and Court Patrons

FROM: Sam Olson, Genesee County Probate Court Administrator/Register

RE: COVID-19 – Probate Court Operations
Executive Order 2020-59 / Administrative Orders 2020-12, 2020-14

On April 24, 2020, Governor Whitmer issued Executive Order 2020-59 reaffirming the “stay home, stay safe” measures put in effect on March 24, 2020, with some modifications. As of the date of this memorandum, EO 2020-59 shall be in place until May 15, 2020. The Michigan Supreme Court likewise issued Administrative Order 2020-12 on April 27, 2020, which extend the expiration dates applicable to essential functions of the Michigan courts “until further order of the Court”

On May 6, 2020, the Supreme Court issued Administrative Order 2020-14, which directs courts to “maintain their current level of operations” until the State Court Administrative Office approves a plan to expand in-court proceedings.

The Probate Court will continue to operate in furtherance of these orders, while continuing to utilize *Zoom* video conferencing to conduct judicial proceedings for all proceedings to the greatest extent possible.

Please be advised of the following information regarding the Genesee County Probate Court’s current level operations in effect at this time:

GENERAL PROCEDURES

General Filing:

- A filing that requires a filing fee must be sent via *regular mail* to the Probate Court, at 900 S. Saginaw Street, Room 502, Flint, MI 48502.
- A document that does not require a filing fee (e.g., Proof of Service, Guardianship/Conservatorship Inventory, GAL Report, etc.) may be sent to the Court via regular mail, fax (810-257-3234), or email (probatecourt@co.genesee.mi.us, or staff email address).
- The Court will return copies via regular mail, or return email.

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900 S. Saginaw Street, Room 502
Flint, Michigan 48502

DATE: March 31, 2020

TO: Genesee County Probate Attorneys and Court Patrons

FROM: Sam Olson, Genesee County Probate Court Administrator/Register

RE: COVID-19 – Probate Court Operations
Executive Order 2020-21 – Additional Details / Points of Clarification

The Probate Court continues to review the latest orders and guidance from the Michigan Supreme Court and Governor Whitmer’s office regarding the current climate. With these orders and guidance in mind, I wanted to provide additional details and points of clarification/reiteration regarding the Court’s docket:

Adjournments

- Pursuant to MCR 5.119(C), the Probate Court will be adjourning all non-emergency matters that were not heard as of March 16, 2020, and those currently set on the docket. Because the Court is primarily closed for general in-person purposes, any petitions/motions currently set before the Court will be adjourned to a date yet to be determined.
- The Court will notify petitioners and interested parties of the adjourned dates when the Court is able to “re-open” for expanded operations.
- The Court is scheduling new non-emergency filings to June/July dates, or as otherwise required by Michigan Court Rules.

Waivers/Consents

- To reiterate from the March 13, 2020 memo, the Court would welcome the filing of PC 561 Waiver/Consent forms for all interested parties in an effort to enter an order without a hearing, if entry of an order is otherwise appropriate.

The following processes remain for the emergency matters:

Emergency Guardianships

- Adult Guardianships: Individuals should contact MDHHS at 855-444-3911 or Sergeant Jillian Macey with the Sheriff Department’s Elder Abuse Team at 810-424-4403 (office) or 810-730-4773 (cell).
- Minor Guardianships: Individuals should contact MDHHS at 855-444-3911 or DHS-CPS-CIGroup@michigan.gov.

Petitions for Mental Health Treatment

- Petitioners seeking to petition for a pick-up order should contact Genesee Health System at 810-348-0374.

If there are any other matters you believe require immediate action, you are free to contact me directly at 810-424-4426 (office) or 810-516-2799 (cell) to discuss.

Procedures Updated
5-7-2020

7th Judicial Circuit Court and Genesee County Probate Court

Emergency Filing Procedures /4.1.2020

CIRCUIT COURT

Regular Mail: Any filing may be sent to the court clerk via regular mail: Genesee County Clerk, Legal Division, 900 S. Saginaw Street, Flint MI 48502. If a filing fee is required, send a check or money order made payable to Genesee County Clerk. The court will return copies via regular or return mail.

Email Filing (NEW): Any filing may be sent to: courtfilings@7thcircuitcourt.com. If a [filing fee](#) is required, it can be paid by credit card. Go to the [G2G link](#) and follow these [instructions](#). The G2G link can also be found by visiting 7thcircuitcourt.com, clicking the [Payment](#) tab and concluding with clicking the [Make a Payment](#) button. Once the payment is confirmed, the court clerk will process the documents.

Personal Protection Orders (domestic relationship): The *YWCA of Greater Flint*, is currently assisting the community and court as the central point of information and filing. Click [HERE](#) for instructions.

Juvenile Division Hearings for detained youth and hearings on other emergency petitions will be conducted weekdays via zoom conferencing between the court, attorneys, parents and youth.

Service of petitions and court orders relative to preliminary hearings will be done by email to the professional email address, listed with the State Bar of Michigan, for each of the attorneys of record. Counsel for parents or youth will provide a hard copy to their clients.

After hours child abuse and neglect petitions can be filed at oncall@7thcircuitcourt.com.

During regular business hours, emergency child abuse and neglect petitions can be emailed to geneseecourtreports@7thcircuitcourt.com.

Non-emergency child abuse and neglect petitions can be emailed to courtfilings@7thcircuitcourt.com.

PROBATE COURT

The following filing operations should be observed at this time:

- A filing that requires a filing fee must be sent via regular mail to the Probate Court, 900S. Saginaw Street, Room 502, Flint MI 48502.
- A document that does not require a filing fee (e.g. proof of service, guardianship/conservatorship inventory, GAL report, etc.) may be sent to the Probate Court via regular mail, fax 810.257.3234 or email (probatecourt@co.genesee.mi.us), or staff email address.
- The Court will return copies via regular or return mail.

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900 S. Saginaw Street, Room 502
Flint, Michigan 48502

DATE: March 24, 2020

TO: Genesee County Probate Attorneys and Court Patrons

FROM: Sam Olson, Genesee County Probate Court Administrator/Register

RE: COVID-19 – Probate Court Operations
Executive Order 2020-21

As you are likely aware, yesterday Governor Whitmer issued executive order 2020-21 directing Michigan residents to “remain at home or in their place of residence to the maximum extent feasible.” The executive order takes effect today, March 24, and continues through April 13. Under the order, all in-person government activities that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended. Although court workers are considered “critical infrastructure workers,” this order has required the Probate Court to further curtail operations and on-site personnel.

Court leadership met yesterday afternoon to assess what the Governor’s order means to the Genesee County courts. In evaluating court operations, the presiding Judges agreed to effectively scale back many non-emergency proceedings.

For the Probate Court, this means the Court will be primarily closed for general in-person purposes, with the exception of emergency guardianships brought by MDHHS (Adult Protective Services or Child Protective Services) or the Genesee County Sheriff’s Department, and Petitions for Mental Health Treatment brought by Genesee Health System.

While the current climate remains fluid, the Court will “re-open” for expanded operations no earlier than April 20, 2020. This of course remains subject to change.

The following process has been adopted for the emergency matters:

Emergency Guardianships

- Adult Guardianships: Individuals should contact MDHHS at 855-444-3911 or Sergeant Jillian Macey with the Sheriff Department’s Elder Abuse Team at 810-424-4403 (office) or 810-730-4773 (cell).
- Minor Guardianships: Individuals should contact MDHHS at 855-444-3911 or DHS-CPS-CIGroup@michigan.gov.

Petitions for Mental Health Treatment

- Petitioners seeking to petition for a pick-up order should contact Genesee Health System at 810-348-0374.

If there are any other matters you believe require immediate action based on the Governor's order, you are free to contact me directly at 810-424-4426 (office) or 810-516-2799 (cell) to discuss.

The Court is currently reviewing files for the weeks of March 30 and April 6 to determine what files, if any, can enter without a hearing (i.e. those with Waivers/Consents from all interested parties). The majority of the files, if not all, will be adjourned by the Court.

Please continue to utilize the case search functions on the court's website (www.gcprobatecourt.com) to check the status of your case(s).

Procedures Updated
5-7-2020

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900 S. Saginaw Street, Room 502
Flint, Michigan 48502

DATE: March 17, 2020

TO: Genesee County Probate Attorneys and Court Patrons

FROM: Sam Olson, Genesee County Probate Court Administrator/Register

RE: COVID-19 – Probate Court Operations
Building Access & Filing

Pursuant to Local Administrative Order 2020-05J, signed yesterday afternoon by Chief Judge Duncan M. Beagle, the Genesee County Probate Court is closed except for essential operations as outlined in the LAO. In summary, **the Genesee County Courthouse is closed, with access to *limited entry* available only for emergency or time-sensitive filings.**

Please review the following regarding additional operational details in light of yesterday's announcement:

General Filing:

The following filing operations should be observed as this time:

- A filing that requires a filing fee must be sent via *regular mail* to the Probate Court, at 900 S. Saginaw Street, Room 502, Flint, MI 48502.
- A document that does not require a filing fee (e.g., Proof of Service, Guardianship/Conservatorship Inventory, GAL Report, etc.) may be sent to the Probate Court via regular mail, fax (810-257-3234), or email (probatecourt@co.genesee.mi.us, or staff email address).
- The Court will return copies via regular mail, or return email.

This information will be posted to Genesee County Probate Court website (www.gcprobatecourt.com). Probate staff is working hard to update the case management system with the most recent orders. Please utilize the case search functions on the website to review specific cases.

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900 S. Saginaw Street, Room 502
Flint, Michigan 48502

DATE: March 13, 2020

TO: Genesee County Probate Attorneys and Court Patrons

FROM: Sam Olson, Genesee County Probate Court Administrator/Register

RE: COVID-19 – Probate Court Operations
Additional Details / Points of Clarification

The Probate Court continues to be in regular contact with county leadership to examine the rapidly-evolving situation. I wanted to address some specific operational issues that may assist as we progress into next week:

Adjournments

- The Probate Court would welcome stipulated adjournments of petitions/motions presently set before the Court. This is not a mandatory directive, but rather should be based on the exigency of the particular request in consultation with other interested parties and attorneys. The Court is likewise examining the dockets for the next two-three weeks to adjourn matters given the current situation and attendant risks.
- **For the upcoming week of March 16, 2020, all Tuesday and Thursday matters set for 9:00am will be adjourned by the Court to early April.** Orders to follow.

Waivers/Consents

- As provided yesterday, the Court has created a GCPC 690 Objection to Petition form in an effort to readily enter orders without the need for a formal hearing. Along this same line, the Court would similarly welcome the filing of PC 561 Waiver/Consent forms for all interested parties in an effort to enter orders without a hearing. Objections to Petition and Waivers/Consents will not have a filing fee associated with them.

Objection to Petition Form – Service Time

- If you have previously set a hearing before the Court and still have time to effectuate proper service before the date, please serve the GCPC 690 Objection to Petition form and file a Proof of Service with the Court.

“Electronic” Filing

- For any paper/document that does not require a filing fee, litigants are welcome to send documents to the Court via email or fax. The Court has created an email address (probatecourt@co.genesee.mi.us) to communicate logistics regarding hearings, etc. Feel free to utilize this email address for filing, as well as emails to staff, etc.
- The Court’s fax number is 810-257-3234.

“Call” Docket Scheduling

- As a point of clarification, any new filing will still set a date and time for hearing.
- This hearing date will serve as a control date for purposes of effectuating proper notice and service to interested parties.
- At the date and time set for the hearing, the Court will call the case, with or without parties in attendance.
 - If the file is incomplete, the petitioner will receive an adjournment to serve on all parties.
 - If an Objection to Petition is filed, or if the Court has a question regarding the relief requested, parties will receive an Order for Adjournment setting an evidentiary hearing, pre-trial, or non-jury trial.
 - If the file is complete, no Objection is filed and the Court has no questions, the Court will enter an order granting the relief requested.

Guardianship/Conservatorship Seminar

- The guardianship/conservatorship seminars regularly held on Tuesdays at 12:00pm noon are cancelled until further notice. Upon the appointment of a guardian/conservator, the Court will provide a packet of material to new fiduciaries. The material is available on the Probate Court website, www.gcprobatecourt.com via the following pathway:
 - Forms dropdown → Adult Conservatorship → Appoint Conservator of an Adult → *Accounting Procedures & Instructions for Completing Annual Account of Fiduciary*

MCR 2.107(C)(4) – Alternative Electronic Service

- Pursuant to MCR 2.107(C)(4), parties may agree to alternative electronic service among themselves by filing a stipulation in the matter. Please file such an agreement with the Court if agreed upon.

Acceptance of Appointment / Letters of Authority

- For any petition seeking the appointment of a fiduciary, the petitioner should be submitting, at the time of initial filing, a completed and *signed* Acceptance of Appointment, along with completed Letters of Authority, in anticipation of the entry of an order appointing the fiduciary.
- This will allow the Court to readily process the documents upon entry of the order, thereby alleviating the necessity to follow-up with the Court for filing of the documents after appointment.

Please note at this time the Court is NOT banning anyone from the courthouse/courtroom.

Rather, in an effort to avoid unnecessary risks to court patrons and personnel, we have provided options to appear in court remotely and/or enter orders without the need for a formal, in-person hearing.

We encourage COMMUNICATION to the Court regarding the logistics on any matter you currently have set (e.g., whether an adjournment will be sought, whether you intend to hold an in-person hearing, whether you intend to conduct a hearing via video or telephone, etc.). Please refer to the *Zoom* instructions/material posted on the Probate Court website, www.gcprobatecourt.com. This will help the Court appropriately plan and manage its dockets in the coming weeks.

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900 S. Saginaw Street, Room 502
Flint, Michigan 48502

DATE: March 12, 2020

TO: Genesee County Probate Attorneys and Court Patrons

FROM: Sam Olson, Genesee County Probate Court Administrator/Register

RE: COVID-19 – Probate Court Operations

The Genesee County Court leadership is reviewing court operations consistent with the Michigan Supreme Court, Genesee County and local health officials to respond to COVID-19. Based upon the emergency declaration of Governor Whitmer and communication from Bridget M. McCormack, Chief Justice, Michigan Supreme Court, the Probate Court has implemented the following measures to continue operations in probate proceedings while protecting the health of probate litigants:

Remote Hearings

- The Probate Court will utilize *Zoom* video/audio conferencing for litigants to appear for hearings
 - Specific instructions regarding *Zoom* and phone appearances can be found on the Genesee County Probate Court website: www.gcprobatecourt.com.
 - The following email address has been created to coordinate with and ask questions to the court regarding remote hearings: probatecourt@co.genesee.mi.us.

Vulnerable Persons

- The Probate Court will utilize remote hearings to ensure vulnerable persons (i.e., at-risk individuals age 60 and over) need not travel to and appear physically at court proceedings. The Court will rely on court-appointed counsel and guardian ad litem to represent and convey the interests of the vulnerable person. Any objection to a petition will be set for a contested hearing.

Annual Accounts

- Petitions to Allow Accounts will be heard without a formal hearing, consistent with Local Administrative Order 2004-08, unless contested or objected to, in writing, by an interested party.

Objection Form

- Petitioners shall be required to serve a GCPC 690 Objection to Petition form on all interested parties, with a Proof of Service to be filed evidencing service of the form.

Further information about Genesee County Court operations may be obtained by accessing the Circuit Court website, www.7thcircuitcourt.com. The website includes a tab for any COVID-19 updates related to the courts.