

**GENESEE COUNTY PROBATE COURT
900 S. SAGINAW ST., RM. 502
FLINT, MI 48502
(810) 257-3528**

***INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN
OF AN INCAPACITATED INDIVIDUAL***

You have requested forms for the appointment of a guardian of an alleged incapacitated individual.

All forms must be typed or legibly printed.

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.

FILING PROCEDURE

- A. Present the forms which have been typed or printed legibly to the Clerk at the Probate Court, 900 South Saginaw Street, Room 502, Flint, MI 48502. We may be reached by phone at (810) 257-3528.
- B. A hearing date will be set by the Clerk. Hearings are held on Tuesdays.
- C. A Guardian Ad Litem will be appointed to represent the alleged incapacitated individual.
- D. A copy of the documents filed with the Court will be given to the petitioner. It is the responsibility of the petitioner to serve the interested persons.

FEES

Petition to Appoint Guardian: \$175.00
Letters of Guardianship:\$11.00 per copy
Publication fee (when applicable--money order required
made payable to the Flint-Genesee County Legal News): \$96.05

B. Report of Physician or Mental Health Professional

This form should be filed at the same time as the petition, but may be filed prior to the court hearing. Your file may be incomplete without this form. Must be filed before the court is able to enter an order.

C. Order Appointing Guardian Ad Litem/Attorney

In the matter of--insert name of the alleged incapacitated individual.

Court personnel will complete the balance of the form.

D. Notice of Hearing

Your petition will be set for hearing on a Tuesday. 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 Guardian Ad Litem is prepared to waive his/her presence in Court or the Report of Physician or Mental Health Professional indicates that the person cannot attend the hearing.

In the matter of--insert the name of the alleged incapacitated individual.

Take Notice: A hearing will be held on (Court personnel will insert date and time of hearing and the Judge assigned to the case).

Insert the name of the nominated guardian and the name of the alleged incapacitated individual.

Insert the date and name, address, and telephone number of the petitioner.

E. 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 five (5) days prior to the day of the hearing. The alleged incapacitated individual and/or alleged protected person must be served **personally** at least seven (7) days prior to the regular hearing for a guardian.

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 in the amount of \$96.05 is paid when the petition is filed. Your money order is to be made payable to the Flint-Genesee County Legal News.

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

1. the incapacitated individual,
2. if known, a person named as attorney in fact under a durable power of attorney,
3. the incapacitated individual's spouse,
4. the incapacitated individual's children and the individual's parents,
5. if no spouse, child, or parent is living, the presumptive heirs of the person,
6. the person who has the care and custody of the incapacitated individual,
7. the nominated guardian,
8. person who files a request for notice pursuant to MCL 700.5104(1),
9. 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
Eastern Area Fiduciary HUB
P.O. Box 441480
Indianapolis, IN 46244

Attorney General, Public Administration
G. Mennen Williams Building, 6th Floor
P.O. Box 30755
Lansing, MI 48909

In the matter of--insert the name of the alleged incapacitated individual and file number.

2. Insert the name(s) and address(es) of the person(s) to whom you mailed the copies of the Petition(s) and Notice of Hearing, and date of service.
3. Insert the name of the alleged incapacitated individual and the place or address where this person was at the time you served him/her. Insert the date and time you served him/her.
4. Insert the name(s) of person(s) whose whereabouts are unknown.

Date and sign the form. Return the form as soon as possible but no later than **5 days before the court date**. You may fax the form to (810) 257-3234 or mail the form back to the Genesee County Probate Court.

F. Nominated Guardian Agreement

The Nominated Guardian Agreement must be signed by the nominated guardian. The form must be filed with the court. Your hearing will not proceed without this form in the file.

G. Authorization for Release of Information

All nominated Guardians must complete the Authorization for Release of Information form. Your hearing will not proceed without this form in the file.

H. Acceptance of Appointment

You must complete and sign the Acceptance of Appointment and submit it at the same time you file the Petition.

*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 residents rights, the quality of care and services, etc., you may call the local long-term care ombudsman, at 1-866-485-9393 for help.

NEW GUARDIANS MUST ATTEND A SEMINAR AT NOON ON THE DAY OF THE COURT HEARING OR WITHIN 60 DAYS OF BEING APPOINTED.