

INSTRUCTIONS FOR APPOINTMENT OF CONSERVATOR OF A PROTECTED INDIVIDUAL

You have requested forms for the appointment of a conservator of an individual alleged to need protection.

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 in 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 at 10:00a.m.
- 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

The Court cannot accept personal checks

- 1. Petition to Appoint Conservator\$175.00
- 2. Petition for a Protective Order.....\$175.00
- 4. Letters of Conservatorship.....\$11.00/copy
- 5. Publication fee (when applicable--money order required made payable to the Flint-Genesee County Legal News).....\$92.00

B. Doctor's Statement

It is recommended that a statement by the treating physician should accompany the petition to appoint conservator. (The petition may be filed with out a Doctor's Statement.)

The statement must:

1. Be on doctor's letterhead, typed, dated, and signed by the doctor.
2. Describe the alleged incapacitated individual's condition or ailment and state the prognosis.
3. Indicate whether or not the person is able to attend a court hearing.

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 at 10:00a.m. 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 doctor's letter indicates that the person cannot attend the hearing.

In the matter of--insert the name of the individual alleged to need protection.

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 conservator and the name of the individual alleged to need protection.

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 person to be protected must be served **personally** at least seven (7) days prior to the regular hearing for a conservator.

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 \$92.00 is paid when the petition is filed. Your money order is to be made payable to the Genesee County Legal News.

The parties interested in a Petition for Appointment of a Conservator or for a Protective Order are:

1. the person to be protected,
2. the spouse of the person to be protected,
3. the children of the person to be protected or, if no child is living, the person's parents,
4. if no spouse, child, or parent is living, the presumptive heirs of the person,
5. an agent or attorney in fact having a power of attorney (meeting the requirements of MCL 700.5405; MSA 27.15405) of the person to be protected,
6. the nominated conservator,
7. person who files a request for notice pursuant to MCL 700.5104(1)
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 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.

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 Avenue, Ste 1460
Detroit, MI 48226

Attorney General, Public Administration
PO Box 30213
Lansing, MI 48909

Social Security Administration
1149 Robert T Longway
Flint, MI 48503

In the matter of--insert the name of the individual alleged to need protection 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 individual alleged to need protection 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.

F. Nominated Conservator Agreement

The nominated Conservator must read and sign the Nominated Conservator Agreement. The form must be filed with the court. Your hearing will not proceed without this form in the file.

If you are going to be a conservator for a nursing home resident, and you need information about applying for Medicaid or Medicare benefits for the resident, nursing home resident rights, the quality of care and services, etc., you may call Citizens for Better Care, the local long-term care ombudsman, at 1-800-284-0046 for help.

If you are a senior, or your questions are on behalf of someone age 60 or older, you may call the Legal Hotline for Older Michiganians for legal advice. The Legal Hotline's attorneys answer legal questions over the phone for eligible seniors statewide. Office hours are 9 a.m. to 5 p.m. weekdays. The toll free number is 1-800-347-5297 (372-5959 in the Lansing area), which is also TDD accessible for the hearing impaired.

To receive general information about a court process or procedure, you may contact www.courts.michigan.gov and click on "All About the Courts."

(08/14)