

## INSTRUCTIONS FOR APPOINTMENT OF SUCCESSOR GUARDIAN OF A MINOR

You have requested forms for the appointment of a guardian of a minor.

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 Thursdays at 10:00a.m.
- C. 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 Successor Guardian..... \$20.00
- 2. Letters of Guardianship .....\$11.00/copy
- 3. Publication fee (when applicable--money order required made payable to the Flint-Genesee County Legal News) .....\$92.00

### A. Petition

In the matter of – Insert the name of the minor.

Complete each section, numbers 1 through 8 as they pertain to the minor.

Sign and date the petition. Give a complete current address for the petitioner as well as a telephone number.

If the minor is age 14 or older, the minor may sign #10.

If you are filing a petition for a limited guardianship, the custodial parent(s) must be the petitioner(s).

### B. Limited Guardianship Placement Plan (for Limited Guardianships Only)

In the matter of – insert the name of the minor.

Complete numbers 1 through 5.

The custodial parent(s) must sign the petition.

The nominated guardian must sign the Agreement and Acceptance of Appointment by Limited Guardian at the bottom of page 2 of the form.

### C. Notice of Hearing

Your petition will be set for hearing on a Thursday 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.**

In the matter of--insert the name of the minor.

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 reason for the hearing: To appoint a full guardian of a minor; **or** to appoint a limited guardian of a minor.

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

### D. 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 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 Flint-Genesee County Legal News.

The parties interested in a Petition for Appointment of a Guardian of a Minor are:

1. the minor, if 14 years of age or older, by personal service,
2. the minor's legal parents,
3. if no parent is living, the adult nearest of kin to the minor (see chart on page 5 for further guidance),
4. the person who has care and custody of the minor,
5. the nominated guardian,
6. the current legal guardian, if one was already appointed,
7. the minor's current conservator, if one has already been appointed,
8. an attorney currently representing a party in the guardianship proceeding,
9. the appropriate tribal council or Secretary of the Interior if the minor is eligible for membership in an American Indian tribe or band.

In the matter of – insert the name of the minor and file number.

2. Insert the name(s) and address(es) of the person(s) to whom you mailed the copies of the Petition and Notice of Hearing and date of service.
3. Insert the name of the interested person 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 form. **Failure to properly complete the proof of service and return it to the court in a timely manor may result in a delay of your hearing.**

#### **E. Authorization for Release of Information**

**An original Authorization to Release Information form must be completed by each adult in the proposed guardian's home.**

#### **F. Minor Guardianship Social History**

The entire form must be filled out. Nothing should be left blank. This form is confidential and will not be place in the public court file.

**G. Order for Protective Services History Check**

The entire form must be filled out. Nothing should be left blank. This form is confidential and will not be placed in the public court file.

**H. Supporting Documents:**

- Minor's birth certificate.
- Death Certificate(s).
- Applicable court orders.

**I. Other forms that may be necessary:**

- Affidavit of Putative Father.
- Affidavit of Diligent Search (mother, father, guardian).
- Publication (mother, father, guardian).
- Motion for Telephonic Conference.

