

# **MINOR CONSERVATORSHIPS**

PLEASE READ BEFORE PROCEEDING.

This information is the only information court personnel can give you about this procedure. This information is not intended to be legal advice, but a brief explanation of the basic procedure that is required.

Probate court personnel cannot give legal advice about your particular situation or complete your forms for you. You are not required to have an attorney; however, the court cannot act as your attorney. If you do not understand these instructions or the process, you will need to obtain other assistance.

## THE COURT MAY APPOINT A CONSERVATOR OR ISSUE A PROTECTIVE ORDER:

- When the minor owns money or other property that requires management that cannot otherwise be provided; or
- When the minor has or may have business affairs which may be jeopardized or prevented by the person's minority; or
- When funds are needed for the minor's support and education and that protection is necessary or desirable to obtain, retain or provide funds.

### WHAT MUST BE FILED

- Petition for Appointment of a Conservator ([PC 639](#))
- Waiver/Consent ([PC 561](#)) If all interested parties sign a Waiver/Consent form a hearing will not be necessary
- \$175.00 filing fee

The process starts when someone interested in the welfare of a minor who is thought to be in need of a conservator files a Petition for Appointment of a Conservator ([PC 639](#)). Your petition will not be accepted if it is not completed properly. There is a \$150.00 filing fee at the time of filing.

The Petition, when completed properly, signed and dated, is filed with the Probate Court in the county where the minor resides at the time of filing.

If the minor resides outside the state but owns property to be protected in this state, the petition can be filed in the county where the property is located that needs protecting.

The petition must contain specific facts and an example explaining why the petitioner believes the minor is in need of a conservator.

IF WAIVER/CONSENTS ([PC 561](#)) ARE OBTAINED FROM THE INTERESTED PERSONS, A HEARING WILL NOT BE NECESSARY; OTHERWISE A HEARING WILL BE SCHEDULED BEFORE THE PROBATE JUDGE.

If a hearing is necessary, the hearing will take place approximately 4-8 weeks after the petition is filed. The petitioner must be present at the hearing to give testimony and evidence of the need for a conservator. The petitioner must also arrange for the minor to be present at the hearing if the minor is 14 years old and older.

## **PUBLICATION**

If the address of an interested party is unknown, the petitioner must file a Declaration of Intent to Give Notice by Publication ([PC 617](#)) and publish (at your expense) a Publication of Notice of Hearing ([PC 563](#)) in an Eaton County approved newspaper.

- The County Journal
- The Charlotte Shopping Guide
- The Delta Waverly Community News
- The Grand Ledge Independent
- The Eaton Rapids Community News
- The Flashes
- The Lansing State Journal

NOTICE MUST BE PUBLISHED AT LEAST 14 DAYS BEFORE THE HEARING. The Petitioner must pay the newspaper for this publication in order for the notice to be published in the paper. The newspaper should send us verification of publication; however, it is your responsibility to make sure we receive the verification of publication.

## **THE HEARING**

The proposed conservator must sign an Acceptance of Appointment form ([PC 571](#)) at the time of the hearing.

At the hearing the judge will either grant or deny the petition. If the petition is granted the order is signed, the court will then issue the Letters of Conservatorship.

## **CERTIFIED COPIES**

Certified copies of the Letters of Authority may be obtained after the hearing at \$1.00 per page plus a \$10.00 certification fee.

File/Mail to: EATON COUNTY PROBATE COURT  
1045 INDEPENDENCE BLVD  
CHARLOTTE, MI 48813

## **RESPONSIBILITIES AND AUTHORITY OF THE CONSERVATOR:**

The conservator has tremendous authority and responsibility. The conservator is accountable to the protected person, the other heirs and to the court for everything he/she does. The conservator should seek legal advice in this regard to ensure that he/she is properly performing the duties required by law.

The conservator must file:

- An Inventory ([PC 674](#)) with a bank/financial statement within 56 days after being appointed and Proof of Restricted Account ([PC 669](#)).
- An Account of Fiduciary ([PC 584](#)) with a bank/financial statement, Petition to Allow ([PC 585a](#)) and Proof of Restricted Account ([PC 669](#)) each year. There is a \$20.00 filing fee due when filing the account.

The court cannot advise the conservator about exercising his/her authority or about whether or not to take any specific action after appointment.

The Court cannot assist with filling out the INVENTORY or ACCOUNTINGS.

FAILURE TO FILE THE INVENTORY or ANNUAL ACCOUNTS can result in the SUSPENSION OF THE CONSERVATOR'S AUTHORITY.